

12-19-1883

Message from the President of the United States, transmitting a communication from the Secretary of the Interior of the 4th instant submitting draft of bill "to confirm the title to certain land in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor."

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## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Secretary of the Interior of the 4th instant submitting draft of bill "to confirm the title to certain land in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor."*

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DECEMBER 19, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

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*To the Senate and House of Representatives :*

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, with accompanying papers, submitting a draft of a bill "to confirm the title to certain land in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,  
December 17, 1883.

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DEPARTMENT OF THE INTERIOR,  
Washington, December 4, 1883.

SIR: I have the honor to submit herewith for your consideration the draft of a bill prepared by the Commissioner of Indian Affairs entitled "A bill to confirm certain lands in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes."

I also submit copy of the report of the Commissioner of Indian Affairs on the subject, together with the inclosures mentioned therein.

The measure has my approval, and I respectfully request that it may be transmitted for the consideration of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,  
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, October 9, 1883.*

SIR: In office report dated March 27, 1882, it was recommended that the reservation set apart for the Cheyenne and Arapaho Indians in the Indian Territory, by the Executive order of August 10, 1869, in lieu of the reservation established by the treaty of October 28, 1867, be confirmed to the said Indians, and a draft of a bill for that purpose was submitted.

It having been subsequently represented on behalf of the Wichitas, Caddoes, and affiliated bands, that the proposed reservation included lands which by right belonged to them, embracing even the reservation set apart for these Indians out of a portion of their lands by the so-called unratified agreement of October 19, 1872, which the Government of the United States recognize as their home, I recommended, in office report dated May 6, 1882, that Congress be asked to withhold action on the bill until the wishes of the Indians were definitely understood.

The circumstances attending the establishment of the Cheyenne and Arapaho Reservation are set out in office report of March 27, 1882, but for convenience they are here repeated.

By the provisions of the second article of the treaty of October 28, 1867 (15 Stat., 594), the United States set apart for the absolute and undisturbed use and occupation of the Indians parties to said treaty, and for such other friendly Indians as they might be willing, with the consent of the United States, to admit among them, a tract of country west of the ninety-sixth degree, bounded by the Arkansas River on the east, the thirty-seventh parallel of north latitude, being the southern boundary line of the State of Kansas, on the north, and the Cimarron or Red Fork of the Arkansas River on the west and south, in which boundaries are included 4,292,661.15 acres of Cherokee lands west of the Arkansas River.

The Cheyennes and Arapahoes claimed that they did not understand the location of the land set apart by the treaty of 1867; and, as they desired a reservation on the North Fork of the Canadian River, some 60 miles below Camp Supply, the President of the United States, upon the recommendation of this office, approved by the Secretary of the Interior, by Executive order, dated August 10, 1869, set apart for their use a tract of land lying south of the Cherokee country, as described therein, containing 4,297,711 acres.

The sixth section of the Indian appropriation act of May 29, 1872, (17 Stat., 190), authorized the President of the United States and the Secretary of the Interior—

To make an appraisement of the Cherokee lands lying west of the ninety-sixth meridian of west longitude, and west of the land of the Osage Indians in the Indian Territory, and south of the southern line of the State of Kansas, ceded to the United States by the Cherokee Indians under their treaty of July 10, 1866, for the settlement of friendly Indians, and report the same to Congress: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized to negotiate with the Southern Cheyennes and Arapahoes for the relinquishment of their claim to the land ceded to them by the second article of the treaty of October 28, 1867, out of the cession made by the Cherokees in the treaty of July 19, 1866; such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for said Cheyennes and Arapahoes upon the lands ceded to the United States by the Creeks and Seminoles in the treaties of March 21 and June 14, 1866, and that the Secretary report the action taken by him under this provision to Congress at its next session.

Agreements were entered into under the provision above quoted, and were submitted to Congress by the Department December 16, 1872,

upon which no final action appears to have been taken by that body. (See House Ex. Doc. No. 43, Forty-second Congress, third session; also Senate Ex. Doc. No. 69, Forty-fifth Congress, second session.) Agreements were also entered into on the 18th of November, 1873.

None of these agreements were ever ratified, and the Cheyennes and Arapahoes still remain on the reservation set apart for them by Executive order of August 10, 1869.

A part of the treaty lands, however, have been conveyed by the Cherokee Nation to the United States in trust for the Pawnees, Poncas, Otoes and Missourias, and Nez Percés, under the provisions of the act of Congress approved March 23, 1883 (22 Stat., 624), and are now occupied by them. These lands also include a portion of those covered by the agreements of November 18, 1873. It would therefore be impossible to locate the Cheyennes and Arapahoes upon their original reservation, without further negotiations, even if it be held that they have not forfeited their right to the same by refusing to locate thereon, and accepting other lands in lieu thereof; nor could the agreements be confirmed unless modified with the consent of the tribes.

The Wichitas, Caddoes, and affiliated bands occupy their present reservation by virtue of an agreement entered into at Washington, October 19, 1872, by the terms of which the United States granted to the said bands of Indians for a home the tract of country bounded as follows, to wit:

Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98° 40' west longitude, thence on said line of 98° 40' due north to the middle of the main channel of the main Canadian River, thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian, thence due south to the place of beginning.

In consideration of which, the said Indians ceded and relinquished to the United States all right, title, interest or claim of any nature whatsoever to any lands in Texas, Louisiana, Indian Territory, or elsewhere within the limits of the United States.

This tract of country thus reserved is wholly within the Cheyenne and Arapaho Reservation as established by the Executive order of August 10, 1869.

This agreement was signed in this city by nine chiefs and delegates of the Wichitas and affiliated bands, and although it has never been ratified by Congress, the Indians continue to occupy the reservation.

In a protest against the passage of the proposed bill to confirm to the Cheyennes and Arapahoes the reservation established by the Executive order of August 10, 1869, Niastor, chief of the Wichitas, and Big Man, chief of the Caddoes, with one Joseph Leonard, claiming to be a delegate for these Indians, stated that

The Wichita, Caddo, and affiliated bands have never authorized their chiefs and delegates to enter into any agreement or treaty with the Government disposing of the lands belonging to said Indians, or to receive any consideration therefor, but said Indians have condemned and repudiated the so-called agreement of October 19, 1872, when they obtained knowledge of its existence, as unauthorized, and as deceptive and fraudulent in character, for the consideration mentioned therein the said Indians already possessed in their own right.

They denied that the Cheyennes and Arapahoes refused to locate upon or accept the lands given them by the treaty of October 28, 1867, and claimed that they want the land assigned them by the treaty, with the addition of that lying between the Canadian and Cimarron Rivers and that the Cheyennes and Arapahoes admit that the lands south of the Canadian belong to the Wichitas.



In a communication dated July 12, 1882, Joseph Leonard asked as a reserve for the Wichitas and affiliated bands all that part of the Indian Territory west of the ninety-eighth degree of west longitude, and south of the Canadian River, except the Kiowa and Comanche Reservation.

In view of these conflicting claims and the fact that the occupants of neither of these reservations had any permanent title, Special Agent Townsend was instructed, under date of January 20, 1883, to visit the two reservations for the purpose of ascertaining the wishes of the several tribes, their needs and requirements, so that an intelligent recommendation might be made to Congress, for the purpose of securing the necessary legislation to confirm to them reservation which would be sufficient for their wants and located as near as might be in accordance with their wishes.

Various communications have been received both before and since the date of Special Agent Townsend's instructions, from General Albert Pike, Luther H. Pike, General W. B. Hazen, and others in support of the claims of the Wichitas to the country south of the Canadian.

Luther H. Pike, as counsel for Joseph Leonard, alleged delegate, submitted a printed brief of thirty-one pages, in which the history and claims of this tribe are fully set forth.

(It may be remarked that Joseph Leonard has failed to furnish any evidence that he is authorized to represent these Indians, although repeatedly requested to do so.)

In this brief Mr. Pike claims that the Wichitas, prior to 1867, and from time whereof the memory of man runneth not to the contrary, were in actual occupation of the country round about the Wichita Mountains, their occupation and use thereof extending north and south from Red River to the Canadian, and east and west from the ninety-eighth to the one hundredth degree of west longitude.

The title of the United States to this tract of country was originally acquired from the Quapaws by treaty of August 24, 1818. (7 Stat., 176.) It was ceded to the Choctaws by the treaty of October 18, 1820 (7 Stat., 277); made the common property of the Choctaws and Chickasaws by the treaty of June 22, 1855 (11 Stat., 611), by whom it was leased to the United States under the same treaty; and was ceded to the United States by the treaty of April 28, 1866. (14 Stat., 769.) This cession, Mr. Pike claims, was void, for the reason that the Quapaws, a branch or band of the Osage Nation, were not at the time, nor ever had been, occupants of the country, and that all subsequent transfers and repurchases, being based upon this cession, were null and void.

He also claims that at a council held at Fort Arbuckle July 1, 1859, the Wichitas, Caddoes, and the Texas Reserve Indians were promised this country by Superintendents Rector and Neighbors. He says Superintendent Rector

Described to each band the particular country selected for it. He informed them of the determination of the United States to establish a military post near their selected reservations, and with personal promise that he would use every effort in his power to see justice done them, he, in the name and on behalf of the United States, guaranteed them protection from all harm by the United States; and that none would be permitted to intrude upon them, and that they and their children would be permitted to remain on the particular reservations selected for them, and have all the other country as a common hunting-ground and a range for their cattle as long as the waters should run.

He asks on behalf of these Indians that

The United States forthwith rescind and amend the Executive order of August 10, 1869, in so far as it embraces the country south of the main Canadian, that conferring with them, proper steps be taken by the United States to establish and make known

in conformity with their agreement of July 1, 1859, the boundaries of their country by means of a patent or grant under the third section of the act of May 28, 1830 (4 Stat., 412), to the end that the lawless and rapacious may be deterred from troubling them, and they having their country secured to them by unquestionable title, may live there undisturbed and continue to walk in peaceful ways and be friends of the whites.

That these things being done, the United States shall in all other respects carry out the promises given at Fort Arbuckle; that there be not made for them some small reservation, thereby making improvements and development an impossibility; and that they be permitted to establish their right to the portion of their country claimed by the State of Texas; also their claims for the losses they have been made to suffer, and for compensation for that portion of their country allotted to the Comanches, Kiowas, and Apaches, and that what is justly due them on these accounts and under treaty stipulations be promptly paid to them.

In a communication dated April 14, 1883, received by Department reference, General W. B. Hazen calls attention to the subject of these Indians, and states that he feels specially interested in the question, having been their superintendent, and having without any intention aided in bringing about what he now desires to see corrected. He recites the action which led to the Executive order of August 10, 1869, which took away from the Wichitas and affiliated bands all of the lands claimed by them not previously assigned to other tribes, and states that neither Superintendent Hoag nor himself could knowingly have recommended that the southern boundary of the Cheyenne and Arapahoe Reservation should have come south of the main Canadian. He most earnestly recommends that there be set aside, for a permanent reservation and home for these Indians, a tract of country between the Canadian, the Red River, and the Kiowa and Comanche Reservation, and between the 98th and 100th degrees of west longitude, and states that it would restore to them the reservation given them by Superintendent Neighbors in treaty, and confirmed by the Government in 1859.

From these statements and arguments it appears that the Wichitas found their claim to the country south of the Canadian, first, upon occupancy from "a time whereof the memory of man runneth not to the contrary," and, second, upon the promises made by Superintendents Rector and Neighbors at Fort Arbuckle on the 1st of July, 1859.

As to the first point, I quote from Special Agent Townsend's report, submitted July 26, 1883, as follows:

Niastor, the present chief, related to me in open council the story of their migration as he had been taught it by his mother. Utstutskins, one of the oldest and best men in his tribe (now dead), related the same story to his agent in open council last January. The Wichitas are often referred to as Pawnee Picques, and they are proud of the evidence and proof of it in the tattooed marks upon their persons.

It is a well known fact that the Pawnees were once a large and powerful and warlike people. It is also a well-known fact that they were driven by internecine wars from the upper waters of the Missouri, and migrated southward. This part of their history dates back two hundred years, and is contemporaneous with the early history of the Wichitas.

He states that the Wichitas are an offshoot from the Pawnees, which gives a clew to their early history, which is substantially the same as that given by Utstutskin and Niastor, and is to this effect:

That originally they were living upon the Missouri River; that warlike and hostile tribes came down the river and, greatly outnumbering them, drove them south and west from the Missouri River into the country at present occupied by the Osage Agency. They remained there and planted fields for a number of years, until at last that country became crowded, and the Wichitas sent out an exploring party west and south to look up a new location and home for them. This party returned and reported having found a beautiful country, when all the Wichitas pulled up stakes

and started. They walked, as this was before they had seen any horses. They stopped at a big bend in the river, among sand hills, on the North Fork of the Canadian.

They remained here about ——— years, when a party started off and located at the mouth of Otter Creek. They were also over in Texas—then Mexico. Most of their oldest men now living remember being on the Brazos River and at the mouth of the Little Wichita, many of them being born at the latter place. They were broken up in scattered bands, and when the old chief with the band on the Brazos died his band joined the band at the mouth of the Little Wichita, on the south side of the Red River in Texas.

After remaining here for some years they crossed Red River again and went forth and located at Rush Spring, or on Rush Creek, in what is now the Indian Territory, and joined other bands of their people who during these years had remained in and about that part of the country (*i. e.*, in and through and about the Wichita Mountains), never staying more than a few years in one location, which fact was due partly to their migratory habits and disposition and partly to the depredations of their hostile neighbors. Instead of the Wacos and Towaconies being separate Indians, or Texas or Plains Indians, as they are generally recognized and spoken of, they are Wichita Indians, offshoots from the parent stock which migrated south from where the present Osage Reservation is. \* \* \*

He concludes that they have no more foundation in fact for the claim to original occupancy of the tract claimed by them than they have to certain tracts or districts in Kansas, New Mexico, or Texas through which they may have roamed and where they may have sojourned temporarily.

This conclusion appears to be correct. The nature of the occupancy of the country by these Indians is not such as to impeach the title derived from the Quapaws, which has been recognized by subsequent treaties with the Choctaws and others.

It is true, as claimed, that the character and geographical situation of this country were but little understood at the time of the Quapaw cession, and it is possible that the title of the latter Indians was not much higher than that of the Wichitas. It has been recognized by the Government, however, and the evidence in favor of the Wichitas is not strong enough to invalidate it even if their claim had never been released.

In the second place the Wichitas base their claim to the country south of the Canadian upon the promises made by Major Neighbors and Superintendent Rector at Fort Arbuckle.

At a general council of the Wichita and other affiliated tribes convened at the Wichita Agency January 22, 1883, as certified to by William Shirley, interpreter, it was claimed by the various chiefs of the different bands that at the council at Arbuckle the Indians were promised the country extending from Red River to the Canadian and from the Chickasaw country (or the ninety-eighth degree of west longitude) to the Antelope Hills (near the one hundredth degree), and this is the claim made on their behalf by Mr. Pike and others. Reference to the contemporary correspondence concerning the council at Fort Arbuckle does not bear out this construction.

In a letter dated February 1, 1855, Superintendent Neighbors suggested the propriety of negotiating with the Choctaw delegation, then in Washington, for a tract of land lying on the east side of Red River (known as Cache Creek) near the Wichita Mountains, for the colonization of the Wichita Indians and such other Prairie Indians as might be convenient to that location. (This recommendation is a recognition of the fact that the Choctaws and not the Wichitas had the title to the country in question.) It is presumed that this suggestion ultimately led to the council at Arbuckle.

Troubles having arisen between the various tribes located in Texas and the frontiersmen of that State, it was determined to colonize these

tribes in the Indian Territory, upon the lands leased from the Choctaws (the country now claimed by the Wichitas); Superintendent Neighbors was charged with this duty.

On the 30th of March, 1859, Superintendent Rector was informed that the want of a military post with an adequate force at the proper point had necessarily delayed the commencement of operations for colonizing the Indians in the leased country, including the Wichitas, but that the War Department had determined to establish the post. He was therefore instructed to select a proper site for the agency in the same vicinity, and at the same time to fix upon a suitable location for the Wichitas and make such an examination of the country as would enable him to determine upon the proper place for locating and colonizing the Texas and other Indians, which it was intended to place within the leased district. In carrying out this policy the different bands were to be located upon distinct reservations, to be divided in severalty.

On the 2d of July, 1859, Superintendent Rector submitted his report in which he gives an account of his travels in search of suitable locations, describes those selected for the Delawares and Caddoes, Wichitas and others, and states that on the 30th of June he met Major Neighbors, who had arrived with the headmen of the Comanches, Huecos, Tanques, Tawacarros, Caddoes and Anadagheos; that after Mr. Neighbors and himself had fully conferred together, the headmen of all the bands of those there, and of those in Texas, met in council, and were informed by them of the selections which had been made for their future homes; that they explained to the Indians the great pain and regret felt by the Government at being compelled so hastily to remove those in Texas to another country, but assured them that they would be paid for all losses thus incurred, and that after removal they would occupy a country belonging to the United States and not within any State, where none could intrude upon them, and they would remain, they and their children, as long as waters should run, protected from all harm by the United States; that to the Wichitas they also promised to endeavor to obtain remuneration for their losses, incurred in consequence of the hostility of the Comanches, provoked by the slaying of their people encamped with peaceful intentions by the troops of the United States; and that the Indians expressed themselves entirely satisfied with the country selected for them.

It will be observed that the country selected was spoken of by these superintendents, who were well acquainted with both it and the Indians, as belonging to the United States and not to the Wichitas, they being present and expressing themselves as satisfied with the selection. They reported that the Indians were not prepared to take lands in severalty, and that such action would result disastrously. He states that the country around the Wichita Mountains should be reserved as *common hunting ground*.

On the 14th of July, 1859, Superintendent Neighbors submitted his report concurring in that of Mr. Rector. On the 18th of July, 1859, Superintendent Rector transmitted a sketch of the country then recently visited by him, showing the selections made for the Wichitas and Kichais, Delawares and Caddoes, and the several bands to be removed from Texas, which he says is a very accurate one.

This sketch shows the reservation selected for the Wichitas and Kichais to be immediately south of  $35^{\circ} 30'$  north latitude and immediately west of the ninety-eighth degree of west longitude, being  $13\frac{1}{2}$  miles in length and 8 in width, and containing by calculation 69,120 acres.

The reservation selected for the Caddoes, Delawares, and Texas Indians is a few miles southwest of the Wichita selection, being 19 miles long and 7 miles wide, containing 85,120 acres; total, 154,240 acres. Both these reservations are within the reservation at present occupied by the Wichitas.

S. A. Blain, agent for the Wichitas, in a report dated January 15, 1859, advocates bringing the Shawnees and Kickapoos to that agency, and states that he had invited the chiefs of the Kickapoos to bring their people to his camp and settle upon the same terms granted to the Wichitas and others. He also says that

The extent of the country, its fertility, its capability of sustaining a dense population, contradicts the position assumed that it was intended alone for the Wichitas, Keechies, and a few other trifling bands, all of whom collected and settled as contemplated will not make up a population of more than 4,000.

From these reports there does not appear to be any foundation for the claim that the agreement at Arbuckle gave the country south of the Canadian to the Wichitas. On the contrary, their reservation was exactly defined, it being suggested that the country around the Wichita Mountains be reserved as "common hunting ground."

Mr. Pike says that Superintendent Rector promised the Indians "that they and their children would be permitted to remain on the particular reservations selected for them, and have all the other country as a common hunting ground and range for their cattle as long as the waters should run." This statement is true as to the particular reservations only. Superintendent Rector does not state that he promised the country (except the reservations) to the Indians for any purpose, but says the country around the Wichita Mountains "ought to be reserved as common hunting grounds, for which alone nearly the whole of it is fitted." Not a word is said of a range for cattle.

In the absence of any agreement ceding their lands, therefore, it is believed that the claims of the Wichitas cannot be sustained, but unless the agreement entered into October 19, 1872, can be successfully impeached, they have parted with whatever rights they may have possessed prior to that time.

It will be observed that Mr. Pike in his printed brief is silent upon this point. Mr. Leonard, however, as before stated, claims that said agreement was unauthorized, deceptive, and fraudulent in character.

At the council before referred to, purporting to have been held January 22, 1883, the several chiefs stated that their people had never consented to give any part of their country away. To the proceedings of the council is appended the affidavit of Philip McCusker, interpreter, to the effect that he was in Washington with the delegation from the Wichitas and affiliated bands in 1872; that Commissioner Walker told them that he wanted to fix the western boundary of the reservation; that he had decided to establish it 10 miles west of Fort Cobb, but none of the Indians were willing to consent to this, as they claimed to the 100th meridian, or, as they stated it, about 6 miles west of Antelope Hills; that the Commissioner refused to take any further action; and that the Indians, without consenting to the line fixed by the Commissioner, returned to their homes.

J. J. Sturm, in an affidavit taken at the same time, deposes that he accompanied the delegation to Washington; that the Commissioner told them that he had brought them to Washington to tell them where the boundaries of their reservation would be fixed, and first spoke of making Cobb Creek the western boundary, to which all of the Indians wanted to protest, but the Commissioner would not permit them to talk; that



the Commissioner finally said that he would fix the boundary so as to take in the headwaters and tributaries of Cobb Creek, which was substantially the same as had been determined on by the Commissioner, and to which the Indians were unwilling to consent, although they finally signed a paper to that effect under protest, which has never been ratified by the tribes; and that when they returned home they were abused by their people because they had signed such a paper.

William Shirley, interpreter, also testified to the same effect, stating that the delegation alleged that they had not been delegated by their people to cede any part of their country, or to relinquish any rights they might possess. These interpreters also testify that as the agreement has never been ratified either by the tribes or by Congress the Indians regard it as void.

Special Agent Townsend reports that the Indians repudiate and reject the unratified agreement, and claim that they were coerced into signing it; that all but three of the signers are dead; that from two of them he could gain but little satisfaction, but that George Washington, a very reliable and intelligent man, and one of the signers, told him that at the time of the signing of that agreement the Indians did fully understand the conditions and terms of the papers they were signing; that at first Commissioner Walker proposed to run the western boundary near old Fort Cobb, but upon the Indians objecting, the lines were carried beyond the timber farther west, and then they, the Indians, were satisfied; that this is corroborated by the statements of others; and from the fact that by this agreement they obtained 589,517.19 acres more than was originally assigned them by the promises made at Fort Arbuckle, it is fair to presume that they were satisfied.

That this agreement was signed by all of the delegates from the different bands present in Washington, nine in number, does not admit of question. As to their authority to make such an agreement, the report made October 10, 1872, by Special Commissioner Henry E. Alvord, under whose charge they were brought to Washington, furnishes important information. He says:

The Caddoes, Wichitas, and affiliated bands have yet no country which they can call their own; and it is very important that they should be satisfied in this respect. Most of the Indians of their agency are on the north side of the Washita River and south of the Canadian, but some are in the Eureka Valley and below, on the Comanche Reservation. To allow their occupation of any part of a reservation already set apart formally for other tribes will cause confusion and difficulties. There is a fine country between the Canadian and Washita Rivers never yet specially assigned, and abundant for these people. *Every tribe and band of them are represented by chiefs or headmen in the delegation, prepared to discuss and settle their reservation question at the present visit, and I trust the matter will be fixed before they return to their people.* After a careful consideration of this subject, extending through the past five years, and *thorough discussion of it with the Indians interested,* I recommend that the country between the main channels of the Canadian and Washita Rivers, from west longitude 98 to 98.30, be set apart for a permanent reservation for the Caddoes, Wichitas, and affiliated bands. (Annual Report, 1872, p. 140.)

This is the tract of country included in the agreement, except that the latter extends some ten miles farther west. Of the Caddoes he says: "The most important matter for this tribe is the final adjustment of their reservation question" (page 139). Of the Wichitas and their affiliated bands he says: "These tribes are interested, like the Caddoes, in the settlement of their reservation question; are *prepared by their delegates to fix the matter during this visit.*"

The Commissioner of Indian Affairs, Hon. Francis A. Walker, in his annual report for 1872, referring to the Wichita Agency, says:

A permanent reservation should be set aside for this agency. \* \* \* In the chapter of this report containing specific recommendations for legislation to be had by



Congress at its approaching session will be found the text of an agreement between these bands and the Commissioner of Indian Affairs, by which the Indians relinquished all their claims on account of lands formerly held by them, and of which they were dispossessed without their consent, and the Government on its part confirms to them the tract now in fact occupied by them. Effect should be given to this agreement by Congress at as early date as practicable. The claims relinquished have been long before Congress, and may or may not have merit, a question not here considered; but it is equally for the interest of the Government and of the Indians that these bands should be put as early as practicable in the way of self-support, a result which will be greatly forwarded by confirming to them a permanent home. (Page 44.)

These extracts show that this delegation had authority to make the agreement. They also show that the consideration for the relinquishment of their claims to land was the fact that by such relinquishment they secured undisputed title to a large tract of country, their right to which had theretofore been questioned.

There is no question in my mind but that the Wichitas and affiliated bands, by the agreement of October 19, 1872, relinquished all claim which they might have had before that date to any and all lands within the United States, except the reservation now occupied by them; and had the agreement been confirmed by Congress at the time, as it should have been, its validity would never have been disputed or questioned.

It is also claimed on behalf of the Wichitas that they were promised remuneration for their losses incurred in consequence of the hostility of the Comanches, provoked by the slaying of so many of their people by the troops of the United States, and the consumption of their fields of corn by those troops, and on behalf of the Texas Indians that they were assured that they would be paid for all losses incurred by reason of their hasty removal.

As to the claim of the latter Indians, Superintendent Neighbors reported, under date of September 3, 1859, that on the 1st of that month he turned over to Superintendent Rector all the Indians and Government property, after returning to the Indians all their property of every name and nature.

Superintendent Rector submitted an estimate of funds required for the Wichitas and affiliated bands and for the "Texan Indians" for the fiscal year ending June 30, 1861, aggregating \$137,667.50, including an item of \$10,000 for building houses in lieu of those abandoned in Texas.

An aggregate appropriation was made of \$121,260 for these Indians, one of the purposes named being "for building houses in lieu of those abandoned in Texas" (12 Stat., 56), and this phrase is repeated in the appropriation bills for the succeeding years up to and including the year 1864, the amount appropriated for the Texas Indians being \$22,825, and for the Wichitas \$37,800, annually. The same amount was also appropriated for the year ending June 30, 1865, and smaller amounts for succeeding years. For the year ending June 30, 1871, \$40,000 was appropriated to promote the civilization, comfort, and improvement of the Wichitas and other affiliated bands and Indians in country leased from the Choctaws; and appropriations varying in amount from \$15,000 to \$50,000 have been annually made since that year for the same purpose.

These Indians are not entitled to annuities by any treaty stipulations, and it is believed that the liberal appropriations made by Congress for their benefit during the last twenty-three years have amply discharged any and all obligations, moral or legal, resting upon the Government on account of promises made by its agents at Fort Arbuckle or elsewhere.

I have gone into this question at considerable length because of the extravagant claims made in behalf of the Wichitas, and because of the various and respectable sources from which appeals in their favor have

been received, but from a thorough examination of the papers submitted and the records and correspondence on file, I am convinced that the only obligation now resting upon the Government is that of confirming to these Indians by a secure and permanent title the lands now occupied by them. To this end the agreement of October 19, 1872, should be ratified by Congress and the title confirmed by patent.

Special Agent Townsend, in concluding his report as to the Wichitas, says their claims

Are of long standing, and their rights should be defined and guaranteed to them by some authority from which there shall be no appeal. Emigration and civilization are pressing upon these people on all sides, and the imperative necessity for prompt action in the premises must be apparent without further argument.

With this conclusion I fully agree; I also believe that security of title is one of the surest safeguards for the Indians, and that such security is absolutely necessary for their improvement and self-support. It is also necessary for the purpose of avoiding troublesome questions in the future. Similar action should be taken regarding a reservation for the Cheyennes and Arapahoes.

It is claimed on behalf of the Wichitas that the Executive order of August 10, 1869, was only intended as a temporary measure to provide for these Indians until Congress could insure a permanent reservation, and such was undoubtedly the case. It is also claimed that the act of May 29, 1872, limited the Department in the selection of a reservation to the lands ceded by the Creeks and Seminoles, and such construction appears to be warranted by the terms of the act. Negotiations were had, however, and an agreement reported to Congress by which the Cheyennes and Arapahoes relinquished their treaty reservation and accepted one within the Creek and Seminole country, but Congress refused or neglected to ratify the agreement. It is therefore thought that the authority conferred by the act of May 29, 1872, is exhausted, and that the Department is at liberty to make such arrangements, subject to the approval of Congress, as it may deem expedient.

The Wichitas also claim that the Cheyennes and Arapahoes do not desire any portion of the country south of the Canadian, in support of which assertion they forwarded a paper purporting to be signed by eight chiefs of the Cheyennes and Arapahoes. Regarding this paper, Special Agent Townsend reports that the Cheyennes and Arapahoes, in joint council with the Wichitas, in the presence of himself and Agents John D. Miles and P. B. Hunt, repudiated it as false and fraudulent from beginning to end, conceived in malice and obtained through intrigue and deceit.

He further says:

The Cheyennes and Arapahoes have repeatedly been assured by the authorities in Washington that they should remain upon and be protected in the possession of their present reserve. By recent leases effected with white men for a portion of their country for a period of ten years, with the knowledge of the Department, they are strengthened and fortified in their possessions and the rights guaranteed them through said Executive order. They appreciate fully the revenues to be derived from these leases, and will under no circumstances relinquish these advantages unless compelled to do so by force. In my judgment any attempt to dispossess them will result in bloodshed and probably lead to a desperate Indian war. The amount of land per capita at present held by the Cheyennes is 583 acres, that of the Wichitas 576 acres, a comparatively small and insignificant difference, while the actual wants and needs of each tribe are about the same.

The area of the present reservation is about the same as that of the one secured by the treaty.

In view of the length of time the Cheyennes and Arapahoes have been permitted to occupy this reservation, and the failure of Congress

to act upon the agreements made, I believe that the best and wisest plan is now for the Government to confirm their title to the same, less the Wichita reservation, and to declare the treaty reservation restored to the status it held prior to said treaty.

It is proper to add that the title to that portion of the Cheyenne and Arapahoe Reservation as established by the Executive order of August 10, 1869, not included in the tract claimed by the Wichitas, was acquired from the Creeks and Seminoles by the treaties of June 14, 1866 (14 Stat., 785), and March 21, 1866 (14 Stat., 755), respectively.

In accordance with these views, I have prepared drafts of a bill providing for the issuance of patents to the Wichitas and affiliated bands, and to the Cheyennes and Arapahoes, for the reservations occupied by them, respectively, with the condition that the lands shall revert to the United States if the Indians become extinct or abandon the same.

The western and southern boundaries of the Cheyenne and Arapahoe Reservation are incorrectly described in the Executive order of August 10, 1869, as follows:

Thence south on the line of said one hundredth degree to the northern boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary, &c.

The treaty of October 21, 1867, fixes the north boundary of the Kiowa and Comanche Reservation as follows:

Thence due west to the North Fork of Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, &c.

By actual survey the north line of this reservation was found to strike the North Fork of the Red River some 30 miles east of the one hundredth meridian. Hence a continuation of the west boundary of the Cheyenne and Arapahoe Reservation along the one hundredth meridian would not strike the north boundary of the Kiowa and Comanche Reservation.

I have therefore corrected this inaccuracy by extending the west boundary south on the line of the one hundredth degree of west longitude to the point where it strikes the North Fork of the Red River, thence down said North Fork to the point where it strikes the northwest corner of the Kiowa and Comanche Reservation, thence along the north boundary of said reservation, &c.

I inclose two copies of the proposed bill, and also copies of the correspondence relating to the matter.

Very respectfully, your obedient servant,

H. PRICE,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

[Inclosures.]

- Letter to R. S. Neighbors, dated February 1, 1855.
- Letter of instructions to Superintendent Rector, dated March 30, 1859.
- Letter of Elias Rector, inclosing report of Agent Blain, dated April 26, 1859.
- Report of Superintendent Rector, dated July 2, 1859.
- Report of Superintendent Neighbors, dated July 4, 1859.
- Letter of Superintendent Rector, dated July 18, 1859, inclosing sketch of country selected.
- Report of Superintendent Neighbors, dated September 3, 1859.
- Letter of Superintendent Rector, dated September 23, 1859, inclosing estimates.
- Petition of Wichitas and Caddoes, dated April 1, 1882.
- Letter from Whirlwind and others, Cheyenne and Arapaho.

Letter from Joseph Leonard, dated July 12, 1882, and copy of General Albert Pike's letter inclosed therein.

Proceedings of council held January 22, 1883.

Brief of L. H. Pike.

Letter of General W. B. Hazen, dated April 14, 1883.

Report of E. B. Townsend, dated July 26, 1883, with eight inclosures.

Articles of agreement, dated October 26, 1872.

S. bill 1668, Forty-seventh Congress, first session.

Executive order of August 10, 1869.

H. R. Ex. Doc. No. 43, Forty-second Congress, third session.

S. Mis. Doc. No. 69, Forty-fifth Congress, second session.

A BILL to confirm certain lands in the Indian Territory to the Cheyennes and Arapahoes, and the Wichitas and affiliated bands, to provide for the issuance of patents therefor, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following tract of country, to wit, commencing at the point where the Arkansas River crosses the thirty-seventh parallel of north latitude, thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River (sometimes called the Red Fork of the Arkansas River), thence down said Cimarron River in the middle of the main channel thereof to the Arkansas River, thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning, which tract of country was set apart by the provisions of the second article of the treaty between the United States and the Cheyenne and Arapahoe tribes of Indians, concluded October twenty-eighth, one thousand eight hundred and sixty-seven, for the absolute and undisturbed use and occupation of the Indians, parties to said treaty, and for such other friendly tribes or individual Indians as from time to time they might be willing, with the consent of the United States, to admit among them, be, and the same is hereby, restored to the status it occupied prior to the ratification of said treaty.

SEC. 2. That in lieu of the tract of country described in the preceding section, the following described tract of country in the Indian Territory be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Cheyenne and Arapahoe tribes of Indians, and such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them, namely: Commencing at the point in the middle of the main channel of the Canadian River where the ninety-eighth meridian of west longitude crosses the same; thence north on a line with said meridian to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians, to the one hundredth meridian of west longitude; thence south on the line of said one hundredth meridian to the point where it crosses the North Fork of the Red River; thence down said North Fork, in the middle of the main channel thereof, to the northwest corner of the reservation set apart for the Kiowas and Comanches by the second article of the treaty concluded October twenty-one, eighteen hundred and sixty-seven, with said tribes; thence east along the north boundary of said reservation to a point in the middle of the main channel of the Washita River where the line of ninety-eight degrees and forty minutes west longitude crosses the same; thence on said line of ninety-eight degrees forty minutes due north to the middle of the main channel of the main Canadian River; thence down the said main Canadian River in the middle of the main channel thereof to the place of beginning.

SEC. 3. That the agreement concluded at Washington on the nineteenth day of October, one thousand eight hundred and seventy-two, by and between Francis A. Walker, Commissioner of Indian Affairs, representing the United States, and certain chiefs, headmen, and members of the Wichitas and other affiliated bands of Indians, be, and the same is hereby, accepted, ratified, and confirmed.

Said agreement is in words and figures as follows, namely:

"Articles of agreement made and concluded at Washington City, District of Columbia, this nineteenth day of October, A. D. 1872, by and between Francis A. Walker, Commissioner of Indian Affairs, representing the United States, of the one part, and the undersigned chiefs, headmen, and members of the Wichitas and other affiliated bands of Indians, duly authorized to act for their people, of the other part, witnesseth:

"ART. 1. The United States hereby give and grant to the said Wichitas and other affiliated bands, for a home, the tract of country bounded as follows, to wit: Com-

mencing at a point in the middle of the main channel of the Washita River where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of ninety-eight degrees forty minutes west longitude, thence on said line of ninety-eight degrees forty minutes due north to the middle of the main channel of the main Canadian River, thence down the middle of said main Canadian River to where it crosses the ninety-eighth meridian, thence due south to the place of beginning.

"ART. 2. In consideration of the reservation provided for in the preceding article, the said Wichitas and other affiliated bands hereby cede and relinquish to the United States all right, title, interest, or claim of any nature whatsoever in and to any lands in Texas, Louisiana, Indiana Territory, or elsewhere, within the limits of the United States.

"In testimony whereof the parties to this agreement have hereunto subscribed their names and affixed their seals on the day and year first above written.

FRANCIS A. WALKER,

*Commissioner Indian Affairs.*

"(Party of the first part.)

"ESSADUA, his x mark,

*"Delegate for the Wichitas.*

"ESQUITZCHEW, his x mark,

*"Head Chief of the Wichitas,*

"NARTACHSIS, his x mark,

*"Delegate for Wichitas,*

"GEORGE WASHINGTON, his x mark,

*"Delegate for Caddoes,*

"WARLOOPEE (Guadaloupe), his x mark,

"ANTELOPE, his x mark,

*"Delegate for Caddoes,*

"DAVE, his x mark,

*"Chief of the Towaconies,*

"LONG SOLDIER, his x mark,

*"Delegate for the Wacoes,*

"RISING SUN, his x mark,

*"Chief of the Keechies,*

*"(Parties of the second part.)"*

"Witnesses:

"HENRY E. ALVORD,

*"United States Special Commissioner.*

"PHILLIP MCKUSTER,

*"United States Interpreter.*

"J. J. STURM,

*"United States Interpreter.*

"BLACK BEAVER, his x mark,

*"Delaware Indian.*

"Witness to mark, H. E. A.

"SEC. 4. That the President of the United States be, and he is hereby, authorized to convey by patent to the Cheyenne and Arapahoe tribes of Indians the tract of country set apart for them by the second section of this act, and to the Wichitas and affiliated bands the tract described in the above-recited agreement: *Provided*, That said lands shall revert to the United States if the Indians become extinct or abandon the same. And this provision shall be inserted in each of the patents issued under this act."

DEPARTMENT OF THE INTERIOR,

OFFICE INDIAN AFFAIRS,

March 30, 1859.

SIR: Your letter of the 7th instant, making inquiries in regard to the measures to be adopted respecting the Wichita and other Indians to be located in the leased portion of the Choctaw and Chickasaw country, has been duly considered.

As you are aware, the want of a military post, with an adequate force, at the proper point in that country has necessarily delayed the commencement of operations for colonizing the Indians intended to be placed there, including the Wichitas. The War Department having at length determined to establish the post, you will, as soon as the site therefor is selected, proceed with Agent Blain to select a proper site for an agency in the same vicinity, and sufficiently near to be protected by the troops, and have the requisite agency buildings erected as soon as practicable, so that Mr. Blain can take post there at the earliest period it may be safe for him to do so. You will

at the same time fix upon a suitable location for the Wichitas, and make such an examination of the country as will enable you to determine upon the proper places for locating and colonizing the Texas and other Indians which it is intended to place within that district. In carrying out this policy, the different bands, so far as they cannot be united, are to be located upon distinct reservations, with circumscribed limits, containing only as much land as may be necessary for their actual occupancy and use, it being the intention, as soon as it can be done, to divide the lands in the reservations into small parcels amongst them in severalty; and generally to carry out the plan laid down in the last annual report of this office in regard to Indian colonization.

I inclose for your information a copy of instructions just issued to Superintendent Neighbors in regard to the removal of the Texas Indians to the country referred to, and from which you will perceive that he is directed to furnish you with the names of bands, number of the Indians, and such other information as will enable you to fix upon a proper plan for locating them properly. All of them should be placed as near to the agency as circumstances will admit of, so as to be as much under the immediate supervision and control of the agent as practicable. Should you require or desire the aid and co-operation of Mr. Neighbors in ascertaining and determining upon proper locations for the Texas Indians, he will be required to join you for that purpose.

So soon as it may be practicable and safe for the Wichitas to remove to their new location, you will require them to go there, giving them to understand that it is to be their permanent home, and that none of them must leave their reservation without the permission of the agent. The same understanding must be impressed upon the other Indians; and no white person, except those in the employment of the Government, must be permitted to go upon any of the reservations, for any purpose whatever, without the permission of the agent. The Wichitas can, of course, remove themselves; so that the only expense attending their removal will be for such subsistence as it may be actually necessary to supply them during the short time they are on the route, and which you are authorized to have them furnished with, in whatever way you may ascertain will be most economical. Some subsistence will, of course, have to be furnished them until they can raise their first crop; but every effort must be made to prepare them to maintain and support themselves after that time. The only additional assistance which the Government can extend to them and the other Indians to be colonized in that section of country will be the employment for a limited time of proper persons to teach and aid them in their agricultural operations, and to repair and keep their implements and tools in order. Hence the necessity of such a course being pursued as will teach and compel them to rely upon their own exertions.

It is presumed that the most economical way of subsisting the Wichitas after their arrival at their new homes, so far as it may be actually necessary, will be by contract based upon proposals invited by public notice, and you will adopt that course, unless you can devise some other method which will be attended with less expense. Should you find it necessary to guard against fraud and speculation, and to insure that the subsistence is furnished at the proper times and places, and of the right kind and quality, you are authorized to employ a commissary at a fair compensation, not exceeding \$75 per month, including expenses, to watch and superintend its delivery. It is not deemed to be necessary at this time to go into further details in regard to the agricultural, mechanical, and other aid and assistance to be rendered to the Wichitas and other Indians to be colonized in the leased portion of the Choctaw and Chickasaw country. It is desired that you will carefully consider the whole subject and report for the consideration of the Department a detailed plan of operations for carrying out the policy upon the most economical basis.

Very respectfully, your obedient servant,

CHAS. E. MIX,  
*Acting Commissioner.*

ELIAS RECTOR, Esq.,  
*Superintendent, &c.*

WASHINGTON CITY, D. C., February 1, 1855.

SIR: I have the honor to suggest the propriety of negotiating with the Choctaw delegation now at Washington for a tract of land lying on the east side of the Red River (known as Cache Creek), near the Wichita Mountains, for the colonization of the Wichita Indians, and such other prairie Indians as may be convenient to that location; also for the establishment of an agency or subagency. The Hon. Secretary of War informs me that in the event of it becoming necessary, he will establish a military post at that point.

I would also respectfully suggest that Congress be asked for a similar reservation in the Territory of New Mexico, west of the Pecos River and near the Texas line, in



the vicinity of the Guadalupe Mountains, for the permanent location and colonization of the Mescalero Apaches, the White Mountain Apaches, and such other Indians as may be found in that district of country. Should the above reservations be made, the agents now in Texas can easily find time to carry on such negotiations with the Apaches, Wichitas, Middle Comanches, &c., as may be desired by your Department. Should the negotiations for the reservation fail, I have no doubt but an additional reservation may be obtained from Texas, should it be necessary for the location of the Middle Comanches, who are properly Texas Indians.

General Rust, of Texas, will favor the reservation proposed in New Mexico, and bring the subject before Congress, should it meet your approbation and you will recommend it.

There is no *hiatus* now existing between the General Government and the Indian bands above alluded to, and they have for some time past committed serious depredations on our frontier settlers and travelers crossing the State of Texas to El Paso and California; and it is confidently believed that a satisfactory arrangement can be made with all these bands, should a permanent home be provided for them, and I shall take the earliest opportunity after the reservations are made to open intercourse with those Indians and report their actual condition.

Very respectfully, your obedient servant,

ROBT. S. NEIGHBORS,  
*Special Indian Agent, &c., for Texas.*

HON. GEO. W. MANYPENNY,  
*Commissioner of Indian Affairs, Washington City, D. C.*

OFFICE OF SUPERINTENDENT INDIAN AFFAIRS,  
*Fort Smith, April 26, 1859.*

SIR: I have the honor to transmit herewith, for the information of the Department, a report made by Agent S. A. Blain, of the condition, locality at present, &c., of the Wichita Indians, and his views in regard to the policy best to be pursued toward those Indians, &c., &c.

Very respectfully, your obedient servant,

ELIAS RECTOR,  
*Superintendent Indian Affairs.*

CHARLES E. MIX, Esq.,  
*Commissioner Indian Affairs ad interim, Washington City, D. C.*

BLAIN'S CAMP,  
*Caddo Creek, C. N., January 15, 1859.*

SIR: On the 31st ultimo, I transmitted by mail my quarterly returns, showing the exact amount of all the expenditures that I had made as agent of the Wichitas and neighboring tribes of Indians since my appointment in July last, accompanied by a muster-roll showing the number of men, women, and children that had been rationed by the contractor since the 20th day of November up to the time above alluded to, inclusive.

I did not include the contractors' account for rations in my account current, for the reason that I did not know whether the funds to pay the same would be handed over to me for their settlement or paid to the contractor by the superintendent, and knew that it could make no difference unless there was some rule of the Department of which I am ignorant. By adding the two together you have the sum total of expenditures up to the 1st of January, 1859.

I reported to you on the 1st day of December, 1858, under your orders of the 24th of October. The distance I had to travel, the inclemency of the weather, and the very short time allowed me to acquaint myself with the country and people committed to my care, made it impossible for me to make a report that would afford the ground for intelligent action.

Since I had the honor to submit that very imperfect report, I have labored to gain further reliable information that would in my opinion be serviceable to the Department.

You will perceive from the roll above alluded to that we now have in my camp on Caddo Creek, twenty or twenty-five miles south of Fort Arbuckle, about 750 Indians, viz, Wichitas, Keechies, and Caddoes, and a few Delawares, who are intermarried and enrolled with the Caddoes. Of these the only tribe whose whole number has been enrolled are the Wichitas, there yet being on the Canadian River nineteen lodges of the Keechies, who, at last accounts, were moving slowly towards my camp. But as they are all on foot, having lost all their horses from cold and starvation, and the remainder taken from them by the Comanches and Pawnees, being encumbered with their camp equipage, and their entire sustenance to procure as they come through a country almost destitute of game, their progress must necessarily be slow.

The Caddoes not yet enrolled are badly scattered, and I find it impossible to give you a reliable statement of their probable number, as I can get no satisfactory account of their number from their chiefs. This does not arise from any desire they have to conceal or pervert facts, but from ignorance. I suppose, however, that there are now about one-half of them in my camp, and their chiefs are making every exertion to bring in the balance, but this will necessarily require some time, as they are equally poor and scattered, so that they can have no concert of action.

The chiefs of Caddoes and Keechies have applied to me for aid to bring their people in, but in the absence of your instructions upon a subject involving the expenditure of the public money, I have given none, but have encouraged them to render their own people all the assistance they can, and I hope to be able shortly to report their arrival.

In my report of the 1st of December I brought the Kickapoos and Shawnees to your notice. Since that time nothing has occurred to induce a change in my views in reference to them, but all the facts gathered since that report was made go to confirm me in the opinion that the interests of the General Government and the frontier of Texas would be best subserved by taking them at once into this agency where a strict oversight of their conduct may be had. My convictions upon this point are so thorough, and fearing the evil of delay, I have invited the chiefs of the Kickapoos to bring their people to my camp and settle upon the same terms granted to the Wichitas and others; this invitation they have accepted, and are now collecting their people on Wild Horse Creek, a branch of the Washita River, from whence they will move into my camp preparatory to their final removal to the leased district, which should be done at the earliest practicable day, for reasons which I will give directly. I did not extend this invitation to the Shawnees, because of their remoteness from the Texas frontier, and because the evidences of their complicity with the wild tribes are not so convincing as in the case of the Kickapoos; but that all these bands have largely contributed to bring about this unhappy state of things upon that frontier there can be no possible doubt; for where the chiefs and controlling men have used their exertions to preserve peace, yet from the imperfection of their system of government numbers of their men have found their way into the ranks of the open enemies of the country, or else have committed depredations of theft and murder upon their own hook, knowing that their crimes would be imputed to the Comanches and others, which they have been careful to rivet upon the public mind by using the precaution when leaving the frontier of Texas to take a line of travel in the direction of the Comanche country; this course they would pursue until they reached the buffalo range, when their sign or trail was sure to be obliterated; then changing their course of travel to the east, they would disperse and enter a district of country where alone friend are expected.

These considerations induce me to take the steps indicated to incorporate the Kickapoos into this agency; if I have erred in the absence of your instructions it has been from a sincere desire to promote the best interests of the country.

There are other considerations that would have induced me to extend our relations to every Indian that is roving west of the Chickasaws and Choctaws, and south of the Canadian River. I will name one that appears to me sufficient. The district of country embraced in the treaty with the Chickasaws and Choctaws, bounded as it is by the Canadian on the north, and south by Red River, east by the ninety-eighth and west by the one-hundredth degree west longitude, is one of unusual fertility of soil and abounding in agricultural resources, being about 114 miles in breadth and 120 in length, and capable of sustaining a population of at least 1,000,000 people. This of itself was sufficient to convince me of the purpose of the Government, and I should have acted upon my convictions but for the reasons set forth in my report of December 1.

The extent of the country, its fertility, its capability of sustaining a dense population, contradict the position assumed, that it was intended alone for the Wichitas, Keechies, and a few other trifling bands, all of whom, when collected and settled as contemplated, will not make up a population of more than 4,000. If the Kickapoos and Shawnees are denied the right of settlement, unless the Comanches when subdued are to be settled here, and if it is the intention of the Government to incorporate them into this district, I would be at a loss to suggest a plan that would facilitate the object more than to take the tribes already named.

I find, sir, that I am drawing out this report to a tedious length, but holding as I do a position that enables me, as I believe, to see and appreciate the various and delicate relations existing between these several tribes and the relations which they sustain to the General Government, I feel that I should fall short of my duty if I failed through motives of any kind to give you my views at length.

You are aware that, from circumstances over which I have no control, I was compelled to establish my temporary quarters in the southwest corner of the Chickasaw Nation, and I am happy to say that my efforts so far to collect and settle these people have been very successful, taking into consideration the many obstacles that were to be encountered; and although we have as yet only about seven hundred and fifty

actual settlers, I have the assurances of all the chiefs with whom I have counseled that their people shall be brought in as fast as possible under existing circumstances, and if I had had a small amount of means at my disposal with your instructions to use them, I would at this time have had from 1,500 to 2,000 settled in camp.

I have already mentioned the fact that our present encampment is in the southwest corner of the Chickasaw Nation, and have promised to give you my reasons why the people under my charge should be removed at once to the country set apart for them, or at least so soon as the Government is prepared to give them protection.

In the first place, we are merely here by sufferance of the Chickasaws. The treaties existing between the United States and the Chickasaw Nation require of the former to give the latter protection, and, although I have no fears that my people will commit any depredations upon the Chickasaws, yet I know also that it is easy to frame excuses to set up large demands upon the public treasury; secondly, the earlier we can reach our homes and inaugurate a mild, just system of government for the people, and, in a word, all the essential elements of civilization that the Government intends to bestow upon them, the sooner will she rid herself of the burden imposed for their support, as I feel confident that by prudent management a few years only will be necessary to learn this people to support themselves.

My third and last reason is of equal moment to the country. If these people are really acting in good faith, of which I have never entertained a doubt, the position they are to occupy upon the frontier of Texas will make them of incalculable advantage in checking the incursions of the wild tribes into that State, as you will perceive by taking a look at the map of the country, bearing in mind that the great pass for these wild tribes lies east of the Wichita Mountains and directly through the country we are to occupy. When once settled in this district it would be impossible for any band of Indians to make their way to the frontier of Texas east of the Brazos River without being detected; but I do not believe when we are once settled that the Comanches will make the attempt, as they are too well informed of the abilities of the Kickapoos and Shawnees to pursue and overtake them to desire to give them the opportunity.

I have thus, sir, imperfectly indicated my views of the line of policy which I believe it to be to the interests of the country and the Indians under my charge, which, if faithfully carried into effect, will, in my opinion, accomplish the purpose that the Government has in view in regard to the wild Indian tribes of this country; and with a sincere desire that they may meet your cordial support, I herewith transmit an estimate of the means necessary in carrying the same into effect during the first quarter of the present year.

Your obedient servant,

S. A. BLAIN,

*United States Agent Wichita and neighboring tribes.*

ELIAS RECTOR, *Superintendent, &c.*

P. S.—The bands yet to be visited are the Ionies, Anadarcoes, and Baluxies. The Ionies, Anadarcoes, and Caddoes spring originally from the same parent stock, I believe, from their language. I will visit them as soon as I can ascertain the whereabouts of their chiefs, &c.

S. A. B.

#### FORT ARBUCKLE, CHICKASAW COUNTRY,

*July 2, 1859.*

SIR: On the 18th of June last, as I had advised your office I should do, I proceeded to visit and explore the country lying in the vicinity of the Wichita Mountains. Major Emory, commanding at this post, furnished me a cavalry escort of fourteen men under Lieutenant Stanley, and I was also accompanied by Mr. Quesenbury, of Arkansas, as my clerk and assistant, my regular clerk having been taken sick at this post and being unable to go farther, and by one other assistant, with Mr. Samuel A. Blain, agent for the Wichitas, and I-sad-o-wa, the chief, and A-wa-he, the war chief of the Wichitas; Fai-o-tun, chief of the Caddoes, also employed by me as a guide; the head man of the Keechies; Se-kit-tu-ma-qu, Delaware interpreter, and other Delawares; and Chim-ma-sha, employed by me as Caddo interpreter. Three gentlemen desiring to visit the same country also accompanied me. A single wagon furnished the transportation of my own party.

On the 22d we reached the site indicated for a fort by Major Emory, being that of the old Wichita village on the Clear Fork of Cache Creek, south of the Blue Mountain, a principal peak of the Wichita range, and immediately below the volcanic hills that lie along the south side of that range. After exploring the country in that direction to the base of the Blue Mountain, and obtaining sketches of the mountains and water-courses to northeast, east, and south, from the summit of one of the subordinate hills near the site of the old village, and becoming satisfied, for reasons to be hereafter stated, that the country near and around those mountains was unfit for

the purposes contemplated by the Department, I proceeded to a low range of hills northeast of the Blue Mountain and about 40 miles from it, near the sources of the Little Washita, at the head of a small tributary of the Fausse Ouachita, and about 12 miles from that river. Thence I proceeded to the river itself and explored a portion of the country on each side; returned to the hills last mentioned, and, by the way of the Little Ouachita, to this post, which I reached on the 30th ultimo.

The result of my examination is that the ninety-eighth parallel of longitude is in a direct line 43 miles west of this post, beyond the waters of Wild Horse and Rush Creeks, and the Cross Timbers; so that west of that parallel there are no streams with arable valleys of any considerable extent running into the Washita or Red River in the whole country leased from the Choctaws, except those in the immediate vicinity of the Wichita Mountains. West of the ninety-eighth parallel the country consists in the main of a prairie composed of hills and undulations of sandstone belts and ridges covered with dwarf oaks with a few creeks flowing in channels cut deep in the red earth of the prairie, and rising in the rainy seasons from 10 to 40 feet. Along these creeks are narrow lines of timber, mostly cottonwood, with a few gnarled and stunted oaks.

It is to be regretted that the country in question contains so little land of any value except for grazing purposes, and so very little timber of any worth. It is understood, I believe, that the ninety-eighth parallel is much farther to the westward than was supposed when the treaty of 1855 with the Choctaws and Chickasaws was made. It would have been far better if the United States had procured a cession of all the Choctaw and Chickasaw country between the Fausse Washita and Red River, since it is of little value to those tribes, is almost unused by them, and will be absolutely needed if many more Indians are to be settled and colonized in the leased country.

So far as the Wichita Mountains are concerned, and the country in and adjacent to them, I regret to say that all my expectations were disappointed, and that my ideas, founded on the reports and glowing representations of others, proved to be totally and astonishingly incorrect. The mountains consist of a range of rugged hills, the highest probably 1,000 feet above the general level of surrounding prairie, running east and west some 25 or 30 miles, with lower and chiefly hemispherical hills and some ridges on the north and south.

The mountains themselves, from the report of Mr. Quesenbury and others of my party who went to their base for that purpose, are granitic, with ample evidence of upheaval, and the outlying hills are partly, at least, composed of igneous or metamorphic rock. I am myself wholly ignorant of geological science, but from his report and that of other gentlemen who accompanied me, and from specimens obtained from them of the rocks composing the hills and mountains, it is evident, I am assured, that they were elevated by volcanic action, confined to a limited area. On the flanks of the space thus elevated red sandstone occurs, and at greater distance the magnesian limestone; whilst about 20 miles to the northeast an immense area is composed of pure white gypsum or sulphate of lime, rising in high ridges of dazzling whiteness, and depressed into valleys in which the streams have cut through this deposit to a depth, in places, of from 20 to 40 feet. These small streams, impregnated with this unpleasant mineral, flow into Cache Creek.

To the south of the mountains two streams flow off to Red River, Otto Creek and Cache Creek, the former at the western and the latter at the eastern extremity of the mountains. I am assured, by those thoroughly acquainted with the country south of the mountains, that between these two there is no stream whatever; and that on Otter Creek there is no land of any value. Cache Creek is composed of a great number of branches, draining a vast extent of prairie, most of which rise far to the east and northeast of the mountains, and flowing round in a half-circle, unite about 15 miles north of east of the Blue Mountain, and wholly outside of the hills, with the principal branch, that comes from the prairie north of the hills, flowing first east and then south. Just below this junction the banks of the creek are of deep red earth, are 40 feet in height above the water, and in rainy seasons it rises, as the marks evidently show, to the very top of the bank.

From this point the stream runs somewhat west of south, and just below the Old Wichita Village receives on the west side a small clear stream, called Clear Creek, that rises among the hills at the base of the mountains several miles above. Below the junction of this branch the whole bottom of the creek is subject to inundation, the water annually covering it to the depth of many feet, and becoming deeper the nearer you approach Red River, so that the lands on all that part of the creek to the southward of the mountains is worthless for the purposes of cultivation.

The outlying hills are chiefly bald or entirely naked of timber. The Blue Mountain and some other of the points of the mountains are thinly covered with a scattering growth of stunted oaks, while the rest are bald like the hills. I shall transmit from Fort Smith, on my return there, sketches of the mountains and water courses taken from different points by Mr. Quesenbury, which will give a correct idea of their contour and appearance.

On the west of Clear Creek, upon a high level of prairie on the north and east of which that branch sweeps in a semicircle, is the site of the Wichita village, and the locality indicated by Major Emory for a military post. Of its advantages in a military point of view I am not competent to judge; but in other respects, and as a situation for an agency, it is subject to serious, and I think insuperable, objections.

On the west, northwest, and south of it is a wide slue or channel, through which at every freshet a heavy body of water runs, leaving Clear Creek above the site, and entering it again below, after which remain shallow ponds to be gradually dried up by evaporation, producing an abundant supply of miasma to be conveyed by the south winds, continually prevalent in the hot season, to those who may be unfortunate enough to inhabit the island (for such it is) above. To an agency unprotected by a military post, the facility with which an enemy could approach unperceived, on three sides, would be a serious disadvantage; but apart from that, the malaria from the slue and from the overflowed bottom to the southward, known to have more than decimated the Wichitas while they resided there, forms an insuperable objection to the location of an agency at that point.

The sketches which I shall transmit from Fort Smith, on my return to that place, will show not only the profile and appearance of the mountains, but the course of Clear Creek and its affluents on the northeast and southeast of the mountains, and will, I hope, with the brief description which I have given, be found to afford a sufficiently clear idea of the part of the country in question.

On the branch of Cache Creek which comes from the east and about 15 miles to the northward of east of the Blue Mountain, between four small streams flowing into it perpendicularly from the east, are three bodies of level alluvium and washings from the prairie, of tolerably fertile soil; but there is no timber, except a narrow fringe along the edges of the streams of cottonwood, with a few gnarled oaks. Some 3 miles below is a limited extent of bottom with some walnut timber; but I do not think even this part of the creek a suitable location for any people who are to subsist by agriculture; and above this point are no available lands of any extent, and very little timber.

West of the mountains and north of them, until you reach the Fausse Ouachita, there is no inhabitable country. No streams flow off to the northward or westward. There are no springs to be found in this region. I suppose that the nature of the formation, upheaved and contorted, forbids it. I was led to suppose there were springs at the old village, but on reaching the place where they had been, at the foot of a steep bank of Clear Creek, they were found to be there no longer. The earth and gravel had slidden down upon them and obliterated them. In short, to my extreme surprise and disappointment, I found these mountains to be rugged and frowning masses of primitive metamorphic and igneous rock, with barren hills of upheaval around them all naked, or scantily clothed with stunted trees. The fertile and beautiful valleys of which I had heard, the clear streams flowing through them, and the gushing springs, have no existence. The streams that flow past this barren and desolate region are prairie streams of impure water, discolored with red earth and impregnated with lime, except Clear Creek, which has no valley of arable or grazing land, and, except as a hunting ground, I consider the whole region to be utterly worthless and unsuitable for human habitation. This is not only my deliberate judgment, but that of all who accompanied me, the expectations of all of whom were as grievously disappointed as mine were.

In corroboration of these conclusions, I beg leave to refer you to the report of Lieutenant Stanley of the result of his observation of the country in question, which has been or will be forwarded to the War Department, and to which the intelligence, genae and practical knowledge of that officer must give great weight.

Finding myself thus compelled to the conclusion that another locality must be looked for, since this is wholly unfit for the purposes intended, and that the War Department, when fully advised, will certainly not select as a position for a military post the site of the old Wichita village, or any point in its vicinity, I had to turn either to the Main or Little Fausse Ouachita, and accordingly proceeded to the former.

From the sandstone hills before mentioned, about 40 miles northeast of the Blue Mountain, and in the country to the northward, a number of small streams draining the prairie, with barren ridges between, thickly covered with stunted oaks, uniting together, flow northward to the Fausse Ouachita, which is about 12 miles in that direction from those hills. A mile or two farther to the westward is another similar system of drainage, terminating in another small stream. The most easterly of these systems at its lower end opens out into an open valley of moderate width, covered with rich grass, and in places with large trees. Here was the old Kichai village, and a little way below the valley debouches into that of the Fausse Ouachita extending above and below some 8 or 10 miles, bounded on the south by a range of low, barren hills, the lower half about  $1\frac{1}{2}$  miles in width, and round the upper half, the hills retreating still farther back and forming almost a semicircle, inclosing between them and the river a broad level plain from 2 to  $2\frac{1}{2}$  miles in width; a large part of it of



great fertility and covered with the thickest and finest grass. The most westerly valley towards its mouth is wide and fertile and covered with a thick growth of timber. My guides informed me that above this river valley are three others on the south side of the river, after which there are no more.

Crossing the alluvial plain, passing through a body of timber some hundred yards in width, I reached and forded the river, here of a deep red color, about 3 feet in depth and 30 yards in width, and emerged from a similar belt of timber on the north side into another wide and level alluvial plain, round which on the north and east ran Sugar Tree Creek from the northwest flowing into the river below. This plain between the creek and river, some 2½ miles in width in its widest part, is bounded by a high ridge on the west that runs sloping to the river. The soil of the plain is light and sandy, that along the creek probably far superior to that near the river. Farther up in the hills are sugar-maple trees from which the creek takes its name. Here on this creek and plain the Delawares and Caddoes, now encamped near here with and as part of the Wichita tribe, had told me, before we commenced the journey from Fort Arbuckle, they desired to settle. The Wichitas and Kichais desire to settle in a similar small valley on the south side of the Canadian about 20 miles to the northward. I have consented to these locations. I have selected as the site for the Wichita Agency that of the old Kichai village, on the south side of the river, near the mouth of the valley already mentioned, and there I propose to erect the permanent agency house and outbuildings, as soon as I can close a contract for the same on reasonable terms; and in the mean time to erect a cheap temporary cabin for the agent, to be afterwards used as a kitchen or other outbuilding, and a shed to protect from the weather the goods and articles in my hands to be furnished the Wichitas and affiliated bands. And the Texas Indians I propose to place on the south side of the river above and below the agency, allowing them to select the sites for their respective towns; unless the Shawnees, Delawares, and the Caddoes among them desire to settle with, as they should do, the Delawares and Caddoes now here, on the north side of the river, and the Huecos and Fa-iva-ca-nos, who speak the same language as the Wichitas, with that people and the Kichais on the Canadian; in which case the wish of each should of course govern.

Of the country on the Canadian selected by the Wichitas and Kichais, I obtained accurate information from Se-kit-tu-ma-qua, my Delaware interpreter, who is thoroughly acquainted with it; and I therefore did not deem it necessary to examine it in person. The Wichitas and Kichais all desire to settle there, and as they have resided in this region from a time beyond any one's memory, and have a better claim to it than any other tribe, they ought, I think, to have the privilege of selecting their home. Moreover, I desired before coming to a final conclusion to see the country on the Little Washita west of the ninety-eighth parallel, which had been mentioned to me, and accordingly I returned by the way of the upper waters of that creek; but found no country there beyond the ninety-eighth parallel comparable to that on the main river.

On my return to this post on the 30th ultimo, I found Major Neighbors, Superintendent of Indian Affairs for Texas, who had arrived earlier on the same day from the Texas reservations, with the headmen of the Comanches, Huecos, Tanquas, Ta-iva-car-ros, Caddoes, and An-a-dagh-cos, there settled; and I at the same time received your instructions of 15th June, and furnished him with a copy of those addressed to him of 11th June, not known to him until his arrival here. The same condition of affairs in Texas and the same imperative necessity for the immediate removal of all the Texas reserve Indians continued to exist when he left the reserves five days before, as when his previous advices were transmitted to your office; and the necessity was indeed become more urgent. Your office was merely just in taking it for granted that, actuated solely by a sincere desire to do all in our power for the interests of the unfortunate people under our respective charge, we should heartily cooperate with zeal and harmony. No admonition to that effect was needed.

After being fully informed by myself, and Lieutenant Stanley, commander of the escort, Mr. Blaine and the other gentlemen who accompanied me, of the character of the several portions of the country explored by us, with which also some of the headmen with him are familiar, Mr. Neighbors has entirely concurred with me in regard to the fitness of the place selected by me whereon to locate such of the Indians under his charge as may not readily affiliate with those now in my superintendency, and will proceed at the end of three days from this time to the reserves in Texas, and immediately carry out your instructions by forthwith removing all the Indians there, with their cattle, horses, and all other movable property, to the site selected for an agency, and there proceed to select the locations for the several bands.

After Mr. Neighbors and myself had fully conferred together, the headmen of all the bands, of those here and of those in Texas, met in council and were informed by him and myself of the selections which had been made for their future homes. We explained to them the great pain and regret felt by the Government at being compelled so hastily to remove those in Texas to another country, but assured them that



they would be paid for all losses thus incurred, and that after removal they would occupy a country belonging to the United States, and not within any State, where none could intrude upon them, and they would remain, they and their children, as long as the waters should run, protected from all harm by the United States. We advised them to become acquainted with each other and to prepare to live near each other as friends and neighbors, and promised to use every effort in our power to see justice done them. To the Wichitas we also promised to endeavor to obtain remuneration for their losses incurred in consequence of the hostility of the Comanches, provoked by the slaying of so many of their people, encamped with peaceable intentions, by the troops of the United States; and the consumption of their corn by the troops.

The Indians declared themselves entirely satisfied with the country selected for them, well known to many of them, and ready to remove at once.

The Indians now encamped near here are preparing to remove, and will be ready to do so in fifteen, or at furthest twenty days from this time; by which time also those from Texas will be on the road, and the implements and goods purchased for the Wichitas will have arrived here from Fort Smith.

In their forced abandonment of their homes on Rush Creek, these Indians lost many of their horses, and most of them are wholly unable to remove themselves, as your office has suggested they might do. I shall therefore be compelled to furnish them five wagons and teams for that purpose. This transportation will be sufficient, but embarrassed as I am by want of express authority, and the very little discretion vested in me, I do not feel that I can in justice to myself, and without taking more responsibility than I care to incur, furnish more.

It is the settled opinion of Mr. Neighbors and myself that beyond all possible doubt it will be found wholly impracticable for many years to come to assign to any of these Indians distinct parcels of land by metes and bounds, in severalty for each family, and to confine their right of occupancy and possession to only so much land as shall be thus covered by individual reservations. They need far more land for grazing than for cultivation. They are not prepared to become land-owners and individual proprietors of the soil. They are and will long be far in the rear of that point. If that system is tried the whole plan of colonization will prove a disastrous and melancholy failure. In a few months the reserve would be abandoned. It has always been the habit of most of them to live in towns, each staking off and cultivating a portion of one common tract contained in a single inclosure. It has been found necessary to adopt this system on the Texas reserves. It was the system of the Mexican Pueblos, and there can, it is certain beyond all peradventure, be no other pursued with profit in the case of any of these Indians.

Each band, to make the present experiment, in which the good faith and honor of the United States are so much concerned, successful, must be put in exclusive possession of a much larger tract of country than is needed for cultivation, and when part of it has been inclosed be left to subdivide that part among themselves each year, as the needs of each may require. This is always done among themselves equitably and justly. We have proceeded upon these principles in selecting the country to be occupied by these bands, and earnestly hope that our views and actions may be approved by you and the Secretary of the Interior. The plan of assigning to each head of a family his 40 or 80 acre lot, to be his own, would not succeed for a day or an hour.

As to the country around the Wichita Mountains, it ought to be reserved as common hunting-grounds, for which alone nearly the whole of it is fitted.

I shall furnish the Indians that will move from this vicinity with twenty days' rations upon their departure, and shall cause them and those who shall have removed from Texas to be supplied with rations for forty days longer after their arrival in their new country by the present contractor and at the present price of 13 cents per ration of beef, corn or flour, and salt.

As it will be absolutely necessary to provide subsistence for all until their crops are made next year, a contract for that purpose must be speedily concluded. No one, I am satisfied, can afford to furnish or will furnish rations at a price less than that now paid; and to receive proposals after public advertisement, would probably result in the payment of a higher instead of a lower price. In such cases combinations are almost always formed, by which exorbitant prices are secured; persons disposed to make lower bids being bought off.

The Government under this system last year paid for corn furnished a quartermaster on the Arkansas frontier just twice the price for which the contractor purchased it within 7 miles of the place of delivery, and I should not be surprised if, giving this contract out to the lowest bidder, the rations should cost the Government over 15 cents each.

At the reserves in Texas the rations cost 10 cents each; at Camp Radziminski beef is furnished at 12½ cents per pound, and the corn ration of a pint and a half at 6 cents. To the troops that lately marched from Fort Smith to the Antelope Hills, the beef rations on foot were furnished along the road at 8 cents a pound; and until within

the last four or five months the beef ration alone at this post was furnished at 12½ cents per pound (or only half a cent less than I pay for the whole ration of a pound of beef, a pint and a half of corn, and 1-25 of a quart of salt), by the same individual who represented that he would have taken the contract to feed the Wichitas at 10 cents a ration of beef, corn, and salt.

If, therefore, no representation has been made to your office in regard to the existing contract, I should unhesitatingly continue and extend it at the present price, which I can effect, notwithstanding the increased distance and cost of delivery. As it is, I do so for a limited time only, submitting the whole matter to you, and asking such explicit and positive instructions on this point as shall leave me no discretion and relieve me of all responsibility.

The Indians now in Texas having, most of them at least, erected dwelling-houses for themselves, which they must abandon, the most ordinary justice requires that the Government should erect others for them in their new country, in the stead of those abandoned. It being the intention of Mr. Neighbors to turn over all these Indians to me so soon as they arrive at the Fausse Ouachita, and also to turn over to your office and recommend to be placed in my hands for disbursement, with the same ample and necessary discretion as is possessed by him, all the moneys remaining in his hands, or appropriated to be expended by him, he will not undertake to have these buildings erected.

We have promised the chiefs to recommend their immediate erection, and I submit to your better judgment that the most economical and judicious course will be to authorize the immediate employment by me of a competent and active person, with at least twelve hands under him, at reasonable and fair compensation, to proceed to the country selected and erect houses or cabins of moderate cost in place of each of which those Indians will have been dispossessed. Houses of rather a better kind should be put up for the chiefs and for the principal persons among the Wichitas, Keechies, and Caddoes now here.

If the Indian Bureau chooses to authorize me to do so, I can effect a contract without advertising for the erection of the agency buildings at a very moderate and reasonable price. These buildings should certainly be erected before the cold season commences; and I shall be glad to be advised whether I shall effect a private contract or receive proposals and let out the work to the highest bidder; in which case it may very well chance to be badly done, unless a constant supervision is maintained during its progress, if not even then; since, when the amount of the bid governs, the good faith and honesty of the person can have no influence in the selection.

The grounds to be cultivated ought to be broken up this fall or the Government will have to feed these Indians till the year 1861. The Texas Indians have a sufficient number of work oxen, but the Wichitas, Keechies, and Caddoes in this vicinity have none. It will be necessary to purchase for them twenty yokes of oxen in time to break up their grounds; and it will also be necessary to employ for all the Indians at least ten industrious and intelligent farmers, who will be expected themselves to labor and by example as well as precept to teach the Indians how to maintain themselves by agriculture, and I ask authority to employ so many of such persons as may be needed, in addition to those in Texas now with the Indians, so as to make ten in all.

It will be necessary at once to establish a blacksmith's shop at the agency, with a blacksmith and assistant striker, and to furnish it with tools and with a sufficient supply of iron and steel.

I renew my recommendation that the warriors not already armed with rifles be so armed, in order that they may be enabled not only to protect themselves against hostile and marauding Indians, but that they may have the benefit of the game with which the country abounds. To arm them well, is to make them self-reliant, without which quality all attempts to civilize them will prove unavailing.

They should also be encouraged to lay aside their Indian clothing and adopt the dress of the whites. To lead them to this a limited supply of clothing ought to be furnished them, for which I hope provision may be speedily made.

A single trading house ought to be permitted to be established near the agency. Not more than one is needed or should be allowed. It should be required to exhibit all its invoices to the superintendent and agent, who should establish a fair tariff of prices, allowing a reasonable profit per centum; and they should also fix from time to time the price to be paid to the Indians for all articles purchased from them.

The success of this experiment will, to a very great extent, depend upon the energy, industry, fidelity, and judgment of the agent or agents under whose immediate charge these Indians are placed. I shall use every exertion in my power to induce the punctual and efficient discharge of all the duties that that office imposes, and shall not see in silence any want of energy or neglect of duty. With proper management, the experiment will succeed. If either judgment or energy or active industry is wanting, it will inevitably fail.

If it succeeds, all the roving bands of the Comanches and other prairie tribes will soon be induced to adopt a settled life, and exchange the chase for agriculture and

the rearing of stock. The war with the Comanches is wholly unnecessary, if that can be called a war which consists almost exclusively in pursuing, surprising, and slaying Indians when in their camps with their wives and children. I am satisfied that if the Government now acts generously and judiciously towards these Indians already colonized, it will find no difficulty in pacifying the hostile bands, to pursue and exterminate which will be found a much more costly operation than to civilize and for a limited time feed them; and I again urge the appointment of a commission to treat with the hostile Comanches, to explain to them how by mistake it chanced that they were attacked when encamped for peaceful purposes, under a guarantee of protection, and to induce them to settle with their brethren in the country selected for them and assigned to them.

If it should be your pleasure to continue Agent Leeper permanently in charge of the Comanches, it will be necessary to select a site for an agency for him, and to erect the necessary buildings. I have no means of judging as to the necessity of two agents more or other than those possessed by yourself.

The War Department will, I trust, on application from the Secretary of the Interior, instruct the commanding officer at this post to lend myself and the agent or agents of these Indians whatever assistance we may ask in enforcing in the leased country the laws of the United States and the regulations of your office.

It occurs to me to add only this, that in providing for and vigilantly seeing to the peace and welfare of these different bands of Indians, it will be necessary to maintain by all proper means the power and influence of the chiefs on whom alone we can rely to carry into full effect the humane desires of the United States. We must conciliate them by suitable marks of distinction, that shall give them importance and consequence in the eyes of their people, and satisfy them with themselves. In these and many other matters that may actually arise and cannot be dealt with at a distance, but must be met and provided for or against on the instant, if little is left to the superintendent's discretion, no confidence reposed in his judgment or honesty, and he hampered and fettered by instructions and restrictions and limitations which impede and hinder efficient and prompt action, the purposes of the Government will not be effected, and its scheme of colonizing these Indians will fail unless he assumes a responsibility that may be made to ruin him. I shall not be willing to assume such responsibility, and therefore ask and trust that if your office and the Department of the Interior are satisfied with the mode in which I have exercised other powers where much if not all was left to my discretion, I may be invested with the same latitude of discretion in regard to all matters that concern these Indians as has been vested in and exercised by Mr. Neighbors as supervising agent and superintendent for Texas. If the confidence is reposed in me I have every hope that the humane and beneficent intentions of the Government will be carried into effect.

I have the honor to be, sir, very respectfully, your obedient servant,

ELIAS RECTOR,

*Superintendent of Indian Affairs, S. S.*

Hon. A. B. GREENWOOD,  
*Commissioner of Indian Affairs.*

FORT ARBUCKLE, C. N.,  
July 4, 1859.

SIR: I have the honor to report that I arrived at this post on the 30th of June, accompanied by some of the principal chiefs of the several tribes of the reserves in Texas.

On the same day Superintendent Rector also arrived from the Wichita Mountains, he having examined that country and selected the land for the location of the Wichitas and other tribes, now here, as well as for the Texas Indians, as shown in his report of 2d of June. On the 1st July all the Indians present were assembled in council, the wishes and action of the Government made known to them fully by Mr. Rector and myself, as well as his action in regard to the location selected for them, all of which proved satisfactory, and I am fully convinced that the Texas Indians will be now better reconciled with change of their location than they were before their talk with Superintendent Rector and the people now assembled here.

I have very carefully read, and maturely considered, the report made by Superintendent Rector of 2d June, and fully concur with him and indorse all of his suggestions, and would recommend his views in regard to the Indians and the service on the new reserve to your favorable consideration. His report is so full and comprehensive that he has left me no new ground over which to travel. I would therefore respectfully, but earnestly, recommend immediate action in regard to the building of the houses for the Indians as proposed by him. If his suggestions are carried out, it will cost but little if any more than to furnish the Indians with tents, which they will be compelled to have before winter. His suggestions in regard to preparing lands for cultivation should also have immediate consideration, and above all, the superintendent should have ample discretion in the application of the money appropriated for the

colonization of the Indians, as it will be impossible to succeed if he is embarrassed continually by the application of the strict rules of the service, which are only applicable to old established agencies, or to tribes with settled habits who have greatly advanced in civilization. In fact, the whole of the superintendent's report meets with my unqualified approval, and I commend its contents to your favorable consideration. I can have no motive for this recommendation, as it is my fixed determination to withdraw from service as soon as my duties in connection with the removal of the Indians are at an end.

Superintendent Rector has been pleased to place in my hands a copy of your instructions of June 11, for the immediate removal of the Indians. The necessity still existed at the date of my departure from the reserve, as shown by the indorsed publication at Weatherford, 60 miles below the reserve. I shall consequently proceed at once and enter on that duty. As soon as I arrive I shall forward estimates for the amount of funds required for the purpose, which could not be done until I ascertained the point to which they would be removed. In all the details I shall be governed strictly by your instructions. I am happy to state, in conclusion, that the utmost harmony has prevailed during the interview between Superintendent Rector and myself, and I know of nothing that can prevent a full concert of action between us until the removal and location of the Indians on the new reserve be finally consummated.

Very respectfully, your obedient servant,

ROBERT S. NEIGHBORS,  
*Superintendent Indian Affairs, Texas.*

Hon. A. B. GREENWOOD,  
*Commissioner Indian Affairs, Washington, D. C.*

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SOUTHERN SUPERINTENDENCY OF INDIAN AFFAIRS,  
*Fort Smith, July 18, 1859.*

SIR: Inclosed herewith please find a sketch of the country recently visited by me, prepared and kindly transmitted by Lieutenant Stanley, U. S. A., showing in red lines our route to and from the Wichita Mountains, as also our several camps going and returning, and the selections made by me for the Wichitas and Kichais, Delawares and Caddoes, and the several bands to be removed from Texas, and which sketch (it being a very accurate one) I wish should be taken as a part of my report made from Fort Arbuckle on the 2d instant.

The sketches of the water-courses and mountains, to have been transmitted from this point, will be delivered to you by Mr. Quesenbury in person, he being now on his way to the city of Washington, where he will probably arrive at the same time with this letter.

I take this occasion to advise you that of the fund of \$50,000 in my hands for collecting and subsisting the Wichitas, only about \$10,000 remains unexpended, and that the whole will be exhausted before a new appropriation can be made. The contingent fund of this superintendency is also almost wholly exhausted.

Unless, therefore, the Wichitas, Caddoes, and Kichais are to be placed in their new country and there abandoned to starvation, homeless and destitute (which would be to destroy at one blow the whole system of colonizing them and the Texas and Prairie Indians), it will be absolutely necessary for the resources of your office, or of the Department of the Interior, to supply me immediately with sufficient means to continue subsisting these Indians as heretofore, until Congress make a further appropriation for that purpose; as also the means at once to erect such houses as are to be erected for them, and to pay the husbandmen to be employed in opening their grounds, and the other expenses that will attend that operation of so immediate necessity.

If this cannot or shall not be done, these Indians, whom the Government has already fed for so many months, and to whom it owes protection and subsistence, cannot possibly live through the winter in their new country, but will be compelled to disperse, and live by plunder and thieving, or die of destitution.

I presume there are modes by which, in such a case of pressing emergency, the means may be supplied from some other fund, in advance of a specific appropriation, and I urgently request that I may not only be furnished with the necessary means, but may receive instructions forthwith to erect the necessary cabins and employ the necessary laborers, that these Indians may have shelter for the winter, and their lands be prepared for cultivation before it is too late, with such latitude of discretion in regard to other expenditures for their benefit and comfort as I have heretofore mentioned as absolutely indispensable to enable me or any one efficiently to carry out the humane intentions of the Government.

I have the honor to be, sir, very respectfully, your obedient servant,

ELIAS RECTOR,  
*Superintendent Indian Affairs.*

WICHITA AGENCY, IND. TER.,  
September 3, 1859.

SIR: I had the honor soon after my arrival on the Washita River to report my arrival here with all the Indians from the reserves in Texas on the 16th August. In accordance with your instructions I have now to report my proceedings and the results obtained. Not finding Superintendent Rector or any authorized deputy here, I again, through Agent Blain, notified him of my arrival with the Texas Indians. On the 28th I received notice from him that he could not come in person, and appointing Agent Blain his deputy to receive the Indians and Government property from me, and I accordingly on the first of September turned over to him all the Indians and Government property, after returning to the Indians all their property of every name and nature, furnishing him with complete invoices of the same, with certified census rolls of the Indians, duplicates of which you will please find inclosed herewith, the invoices inclosed in a separate package.

During the time intervening between my arrival and the notice from Superintendent Rector, with the assistance of Agent Leeper and Ross and the Indians, the country for some miles in every direction was prospected and the several tribes had made selections for their future villages and farms to their entire satisfaction. The selections have been approved by Agent Blain, and they are now preparing to remove to their respective settlements as soon as the weather is favorable, it having rained for several days past. Agent Blain has selected this site for his agency, on the south side of the False Washita, about 4 miles above Major Stein's crossing, on the site of the old Keechi village, and the Indians have made their selections at from 3 to 10 miles from the agency, on land eminently suitable for farming and convenient to an abundance of good water and timber for building and fencing, all their settlements being near the main False Washita River. This is, in my judgment, truly a splendid country. The villages are from 1 to 5 miles wide on alternate sides of the Washita; the soil, to judge from the heavy coat of grass and weeds, is very rich and similar in appearance to the valley lands of Red River, and will in my judgment prove a superior farming country. The adjacent hills are covered with post oak of the best quality for building and fencing, and the timbered bottoms of the river and creeks afford a good supply of black walnut, overcup or burr oak, and red cedar. I also noticed in the hills good quarries of stone, but had no means of testing its qualities. The whole country also abounds in good springs of the coldest freestone water, and to judge from the unusual height of the timber and the luxuriant growth of the grass it must be sufficiently seasonable to produce good crops. The reserve is capable of sustaining a dense population, and will compare favorably with any other section of country in the latitude west of the Mississippi.

The Indians have been alarmed on several occasions by the approach of wild Indians, and some bands are still hovering around the agency. They are unwilling to occupy their new homes until they can get protection. It is hoped that measures will be taken as early as possible to establish a military post in this vicinity for their protection.

I have prepared estimates, at Major Rector's request, for the support of the Texas Indians on this reserve to June 30, 1860, and an annual estimate for their support to June 30, 1861, which has been forwarded to the superintendent for his approval. In that estimate I made none for houses for the Indians, as that subject was called to your attention last summer from Fort Arbuckle. With the Indians you will find a list of the number and value of the houses abandoned at the two reserves in Texas, and their estimated value. It is deemed but an act of justice that the Indians here should be assisted to the same extent, as this country is much farther north and the winters will prove more severe.

Early attention should be given to the preparation of lands for cultivation. For that purpose I have estimated for funds for breaking up 600 acres of land this fall, and the Indians evince a commendable desire to settle down again and cultivate the soil. They are well pleased with the country, and with reasonable encouragement and protection will be able to furnish their own bread before the end of the next year.

Having, as above stated, delivered to the Indian tribes all their individual property, and turned over to Agent Blain all the property of the Government (see invoices), I on the 1st of September discharged all the employés and paid them off to that date, and transferred to him all jurisdiction over the Indians, and have instructed Agents Leeper and Ross to return to their respective places of abode and await further instructions.

Having thus, to the best of my ability, discharged all the duties imposed upon me by your order of the —, and, as I hope, to your entire satisfaction, I shall at once proceed, via the reserves in Texas, to San Antonio, for the purpose of adjusting my final account; at which place I shall await your further instructions.

Very respectfully, your obedient servant,

ROBERT S. NEIGHBORS,  
*Superintendent Indian Affairs.*

Hon. A. B. GREENWOOD,  
*Commissioner Indian Affairs, Washington, D. C.*



*Annual estimate of funds required for disbursement within the southern superintendency for the Wichita Indians and affiliated bands, now located in the leased district, from the 30th June, 1860, to the 30th June, 1861.*

For subsisting 1,000 Indians from 30th June, 1860, to 30th June, 1861, inclusive, 365 days, 365,000 rations, at 10 cents per ration .....	\$36,500
Pay of 1 blacksmith and armorer, \$800 per annum .....	800
Pay of 1 assistant, \$300 per annum .....	300
Pay of 1 farmer, \$500 per annum .....	500
Pay of 3 laborers, \$300 per annum .....	900
Pay of 2 interpreters, \$400 .....	800
Pay of 1 agent, \$1,000 per annum .....	1,000
Purchase of 15 yoke of oxen, \$50 each .....	750
Purchase of 10 mules, \$125 each .....	1,250
Purchase of 2 wagons, \$125 each .....	250
Purchase of 5 large plows, \$20 each .....	100
Purchase of 12 small plows, \$10 each .....	120
Additional farming implements .....	500
Iron and steel .....	250
Purchase of clothing .....	500
Agency buildings .....	7,000
Establishing and maintenance of schools .....	1,000
Incidental expenses of agency .....	300
Transportation on farming implements, goods, &c. ....	1,000
	<hr/>
	53,820

ELIAS RECTOR,  
*Superintendent Indian Affairs.*

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Fort Smith, September 20, 1859.*

*Annual estimate of funds required for disbursement within the Southern Superintendency for the Texas Indians now located in the leased district, from the 30th June, 1860, to the 30th June, 1861.*

For subsisting 1,415 Indians from 30th June, 1860, to 30th June, 1861, inclusive, 365 days, 516,475 rations, at 10 cents per ration .....	\$51,647 50
For pay 1 blacksmith and armorer, at \$800 per annum .....	800 00
For pay 1 assistant, at \$300 per annum .....	300 00
For pay 1 farmer, at \$500 per annum .....	500 00
For pay 5 laborers, at \$300 per annum .....	1,500 00
For pay 2 interpreters, at \$550 per annum .....	1,100 00
For supplying additional farming implements .....	200 00
For supplying medicines, &c .....	300 00
For purchase iron and steel .....	500 00
For purchase blankets, clothing, &c .....	10,000 00
For establishing and maintenance of schools .....	2,000 00
For building houses in lieu of those abandoned in Texas .....	10,000 00
For all other contingencies .....	5,000 00
	<hr/>
	83,847 50

ELIAS RECTOR,  
*Superintendent Indian Affairs.*

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Fort Smith, Ark., September 20, 1859.*

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Fort Smith, September 23, 1859.*

SIR: I have the honor to transmit herewith estimate of funds required for disbursement in this superintendency for the Texas Reserve Indians, Wichitas, and affiliated bands, made out separately, for the fiscal year ending June 30, 1861.

The estimates for the Texas Reserve Indians were made out principally by Superintendent Neighbors and forwarded to me, and from his long experience and connection with these Indians, I presume his estimates are correct.



Those for the Wichitas I have made up from my own knowledge of them, and have estimated for nothing but what is absolutely necessary for them.

Very respectfully, your obedient servant,

ELIAS RECTOR,  
*Superintendent Indian Affairs.*

Hon. A. B. GREENWOOD,  
*Commissioner Indian Affairs, Washington City, D. C.*

Hon. COMMISSIONER INDIAN AFFAIRS:

SIR: We, your petitioners, duly appointed as delegates for the following affiliated tribes of Indians, the Wichitas, Caddoes, and Pannatakees, do hereby represent that in the year 1860, and about that time, according to the official files of the Interior Department, our right and title to the following described country was recognized by the United States Government, bounded to wit: On the east by the ninety-eighth meridian, on the north by the Canadian River, on the west by the one hundredth meridian, and on the south by the Red River, including what is now called Grier County, Texas.

At that time, and prior thereto for many generations, our ownership to that and a much larger scope of country was unquestioned by neighboring tribes, and we have never relinquished our right thereto.

We now ask Congress through you, our honorable Commissioner, to confirm our right and title to the country above described to us and to our children, by ordering a patent to be issued in the name of the foregoing affiliated tribes, to be held in common.

Very respectfully,

NI-AS-TO, his x mark,  
*Chief of the Wichitas.*  
BIG-MAN, his x mark,  
*Chief of the Caddoes.*  
JOSEPH LEONARD,  
*Delegates of the Affiliated Tribes.*

Attest:

JOSEPH LEONARD,  
*Interpreter.*

ISAAC T. GIBSON,  
*MADES' HOTEL, Washington, D. C., April 1, 1882.*

CHEYENNE AND ARAPAHO RESERVATION,  
*Indian Territory.*

SIR: We, the undersigned chiefs and headmen of the Cheyenne and Arapaho Indians, desire to state to you that neither we nor our people desire to have set apart for us, nor to move to or live upon, the lands south of the Canadian River and named in Executive order of 1869. We have always understood that those lands belonged to the Wichitas and Caddoes. We do want to have confirmed to us the lands bought from the Cherokees in 1866, and ceded to us by treaty in 1867; and, in lieu of the lands now occupied by the Nez Perces and other tribes taken therefrom by the Government for homes for said Indians, we desire to be assigned us that portion of country lying between the Canadian and Cimarron Rivers, and that it be made a part of our reservation.

WHIRLWIND, his x mark,  
*Head Chief Cheyennes.*  
BIG-MOUTH, his x mark,  
*Head Chief Arapahoes.*  
WHITE SHIELD, his x mark,  
*Chief Cheyennes.*  
BIG MAN, his x mark,  
*Chief Cheyennes.*  
WHITE CROW, his x mark,  
*Chief Arapahoes.*  
LITTLE MOUNTAIN CALF, his x mark,  
*Chief Cheyennes.*  
LEFT HAND, his x mark,  
*Chief Arapahoes.*  
SPOTTED FACE, his x mark,  
*Chief Arapahoes.*

The Hon. SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

WASHINGTON, July 12, 1882.

SIR: I comply with my promise to repeat in writing what I lately said to you in regard to the Wichita tribe of Indians.

In 1832 I left Taos, New Mexico, with a party of trappers. We descended the Pecos River for some distance, and then crossed the Llano Estacado. On the headwaters of the Brazos River, I, with five others, left the main party, went northward to, crossed, and traveled down Red River; were on the Big and Little Wichita Creeks, the Fausse Wichita and Red River for weeks, and finally crossed Blue River and made our way to Fort Smith.

After leaving the main party we hoped and expected to find a tribe of Indians known to the old hunters and trappers as the Pawnee Piks, whom one of our party of five knew and talked much about, living, he and others said, in the vicinity of some mountains north of Red River in a village or villages, and cultivating the soil. They were reputed to be a peaceable and good people, not going on the war-trail, but brave in defending themselves when attacked by the Comanches and other tribes that roamed over all the country between the Arkansas and Red Rivers. These followed the buffalo southward in the fall, and found elk also in the mountains and the cross-timbers; and we met and staid three days with a party of Osages catching wild horses on the Fausse Wichita. We had been at large camps of the Comanches in the middle and eastern part of the Staked Plain, and I knew from persons acquainted with the whole region of country from New Mexico to the Arkansas line, and by myself traveling through it, that there were no other settled Indians in it than the tribe which then went by the name, among the hunters and trappers, of Pawnee Piks, but which the well-known Bill Williams and many other informants knew and said were not Pawnees at all, but a tribe with a language of their own, who had, as they expressed, "lived there always."

The Osages living north of the Arkansas only visited the Red River and Fausse Washita region occasionally, and the Comanches and Caiowas had no homes, being settled nowhere, but were nomads, roaming over the plains after the buffalo, carrying their lodges and lodge-poles with them, and camping here and there for longer or shorter periods, where they could find water and game. They had no sort of claim to the country around the Wichita Mountains, nor to any other specific part of the country, for they ranged from the Arkansas and Canadian into Mexico and all over Texas.

The tribe so called Pawnee Piks were spoken of by all as Indians friendly with the whites, who raised corn and committed no depredations. They were the same tribe now called the Wichitas, of which the Wacos (Huecos) are a branch, as the An-a-dah-cos are a branch of the Caddoes (Ca-do-hadachs), and their true name is Ta-wai-hash.

From 1832 to 1861 I lived in Arkansas, and was often in the Indian country. In 1859 I visited the Wichita Mountains and was on Cache Creek (where Fort Sill now is), and at the abandoned site of the old Wichita village, west of Cache Creek and south of the mountains, the well-known Delaware Indian, "Black Beaver," being with me. Then I learned that the Wichitas had left this village some years before, after having lived there "always," because it was so situated as to be easily approached under cover by their enemies—the roving tribes—and because it was at times surrounded by deep water and even overflowed.

In 1861, as Commissioner of the Confederate States, I made a treaty with the reserve Comanches (of the Peneteka band of the Ni-ium) and the other small tribes then settled in the vicinity of the Wichita Agency and Fort Cobb. Among these were the Wichitas, then first known to me as the Ta-wai-hash, and so called in the treaty; the Caddoes (called by themselves Cado-ha-da-cho and Su-de, and by the Indians of the plains Nas-o-wit); the Ac-o-nais, Kichais, Tonca-wes, Huecos, An-a-dah-cos, and others. The treaty was made in August, at the Wichita Agency. The Wichitas, or Ta-wai-hash, preferred a claim to me for compensation for the country south of the Wichita Mountains on Cache and Clear Creeks, which they had for so many years possessed and occupied without conflicting claims on the part of any other tribe. No memory of man reached back to the time when they had not occupied it, but the United States had sold it to the Choctaws and Chickasaws, and I proposed to settle the No-co-nis and other bands of the Ne-ium, or Comanches, on or near it, and the treaty agreed that their claim for compensation should be considered and examined, and that what might be found just and right should be paid them.

I do not remember the language of the treaty on this point, but I do remember that no limits of their claim were specified; but the claim was to be examined and they were to be fairly settled with. The treaty was confirmed by the provisional Congress of the Confederate States at Richmond.

It provided among other things that the several tribes should remain peaceably on their reserves, and should not take up arms or engage in hostilities on either side. They did so remain during the war, faithfully keeping the treaty and living quietly and peaceably at home until its close.

The Wichitas have, in fact, never been engaged in hostilities against the whites in

Texas or elsewhere, nor against the civilized tribes west of Arkansas. They have always deserved well of us, and they had, when the United States sold their country to the Choctaws and Chickasaws, an indisputable claim, by long continued occupancy and possession and partial cultivation, to the country west of Cache Creek, between the mountains and Red River, to an indefinite distance west, for which they ought in common justice and honesty to be paid.

I do not concur in the bad opinion which Captain (now general) Marcy expresses of them in his report of explorations on Red River. Fifty years ago they were reputed to be friendly, peaceable, and honest, and they have never had any other reputation among their neighbors, the Choctaws and Chickasaws. I found them a good, honest, and trustworthy people, and their chief, I-sad-o-wa, was one of the best men I ever knew.

It is proper that I should state that I am not in any sense their attorney; that I am not interested to the value of a cent in their claim; and that whatever they may be paid I shall never receive, by way of fee, gratuity, present, or otherwise howsoever, a single dollar of the amount. I make this statement because justice requires it, and because I knew them long enough in 1861 to learn to like them, as a good, honest, patient people, who had deserved well, and had, up to that time, seemed to have no rights which a white man's government was bound to respect.

I am, very respectfully, your obedient servant,

ALBERT PIKE.

The SECRETARY OF THE INTERIOR.

—  
KIOWA, COMANCHE AND WICHITA AGENCY,  
*Anadarko, Ind. T., January 22, 1883.*

At a general council of the Wichita Indians and other affiliated tribes, convened this day at the office of the agent for the purpose of presenting their claim to all of the country in the Indian Territory lying west of the ninety-eighth meridian and south of the Canadian River, the following was said in open council, as interpreted by William Shirley:

NIASTOR, chief of the Towaconies, says:

He remembers well, when he was a boy living with his people on the Brazos River, in Texas, that Major Nabors convened a council of Indians there, and told them that they were to possess that country for a home; that it would not be taken away from them; that there would be a school-house built for them and a teacher furnished them, and other promises were made. We lived there a few years in peace until the white people commenced encroaching upon us and making trouble. It was not long after this when Major Nabors told us if we would consent to give up our homes on the Brazos that we would be given a larger country on the north side of Red River. Soon afterwards our chief men went to Arbuckle, invited there to meet three white chiefs from Washington. This was in 1859. Our chief men heard all the promises that were made by the white chiefs at Arbuckle and then returned to our people on the Brazos.

After returning, our chief men called a council of all the Indians then living on the Brazos. O-chil-las, chief of the Towaconies, then told our people what had been said by the white chiefs at Arbuckle. The white chiefs promised that if we would give up our country on the Brazos the Great Father at Washington would give us a larger country, extending from Red River to the Canadian and from the Chickasaw country to the Antelope Hills, which country should be ours forever.

General Albert Pike was one of the white chiefs at Arbuckle, and knows what promises were made to our chief men.

It was because of the promises there made that our people, and their friends the Wacoos and others, consented to give up their country on the Brazos, leaving their hogs, chickens, and other property behind, and come north to the country promised them.

Our people, after crossing Red River, traveled north until they met their friends the Wichitas on the south side of the Washita River, near where the commissary building now stands; the Wichitas having come up from near Arbuckle. After arriving here, we were shown the country we were to have for our homes, and were told that, with the Wichitas, we should possess it forever.

We have lived here ever since, believing that we were secure in our homes, and that our country would never be taken from us. That when we were told the Great Father at Washington wanted to give part of our country to the Cheyennes we did not believe it and gave no heed until now we are told that the Cheyennes are selling grass to white men, and we find the white man's cattle filling up the country as far as the Antelope Hills.

Our people have never consented to give any part of their country away, or to allow

the white man's cattle to come in and eat up all the grass, and we cannot understand that the Big Father at Washington can give our country away or sell the grass without first obtaining our consent. We want the Big Father to hear us and protect us in our rights and our homes.

NIASTOR, his X mark.

Witness:

H. KUHN.

KOR-SID-A-WAS-ER-DATE (Jim Towaconie) says:

When he left Texas with his people he was only a small boy, but recollects a great deal that was talked by the old men and chiefs of his tribe. He and his people came here because this country was given to them, and was to be theirs, along with the Wichitas, forever; and they have never consented to give away one foot of their land.

Their friends the Wichitas, with whom they have ever since been living, were long in possession of this country, long before any other Indians had occupied it, and always lived in the country between Red River and the Canadian, and have never ceded to the Great Father at Washington any of their lands.

When a boy I lived awhile with the Wichitas at Rush Springs, about 30 miles east of where Fort Sill now stands, but went from there back to my own people on the Brazos; and after my return home, our chief, O-chillas, took me by the hand and put me in a school-house at the agency, and told me to stay there and learn the white man's road, as our people were all friends of the white man. I remained in school as I was told to do, and while I was attending school word came that the Towaconies, Wacoos, Anadarkos, Ionis, Keechis, and Penetethkas were invited to a council to be held at Arbuckle, where they were to meet some white chiefs from the Great Father at Washington. The chiefs and headmen of our people went to Arbuckle to hear the talk of the Great Father, and there met the Wichitas, who had also been invited.

When our chiefs and headmen returned to the Brazos they called all the Indians together, and I remember what they told us then. O-chil-las said that he had met, at Arbuckle, General Pike, Major Rector, and Major Nabors, who told him and the other chiefs that if our people would give up their homes on the Brazos that the Great Father would give us all the country from Red River to the Canadian, and from the Chickasaw country as far west as the Antelope Hills, and that this country should be ours as long as water runs and grass grows, and that it should never be taken from us.

O-chil-las told our people to give up their country on the Brazos and go with him to this country, which had been promised them by the white men at Arbuckle, and if they could not take all their hogs, chickens, and other property with them, they should leave them behind; that the Great Father would compensate them for the loss.

Because of all these promises made to them by the white chiefs at Arbuckle, our people consented to come to this country, leaving behind them all their hogs, chickens, and everything that they could not carry, but we have never yet been paid for the loss of our property that we left on the Brazos.

Aa-sod-a-wats, chief of the Wichitas; O-chil-las, chief of the Towaconies; Eck-e-quah, chief of the Wacoos; To-wah-ka-see, chief of the Keechis; Co-sa-ma-re-ah, chief of the Anadarkos; Kutch-ow, chief of the Ionis; Tinas, chief of the Caddoes; Black Beaver, chief of the Delawares; Ka-tum-sah, chief of the Penetethkas, were present at the council held with the white chiefs of the Great Father, at Arbuckle, in 1859, and heard the promises that were made, and they all believed that the promises there made would be kept.

Our people, after crossing Red River into the country that had been given to them, traveled north until they came to the Washita River, where they met their friends the Wichitas near where the commissary now stands, and after some days we were shown how far our country extended.

We lived here with the Wichitas in peace, until war broke out among the white people, when we all became afraid to remain, and concluded to go north into Kansas. A short time after we arrived in Kansas, Major Corruith came to us and took charge of us. We lived at the mouth of the Little Arkansas River, near where the town of Wichita is now, until we returned to our own country after the war.

While we were living in Kansas we became acquainted with some of our red brethren, the Comanches and Kiowas, and were told that the Great Father was about to give part of our country to them.

We did not believe the White Father would do such a thing as to take any part of our country from us, and give it to others without our consent; but we lived to see that this was done.

When we realized that the White Father had taken part of our country and gave it to the Kiowas and Comanches, who are good friends of ours, we have never understood that it was to be taken from us without compensation, and we expect the White Father will yet pay us something for the country he has taken from us without our consent and given to the Kiowas and Comanches.

Our people want the talk made at the council sent to the Great Father at Washington. Our people want compensation for the country taken from them, and they want a paper from the Great Father guaranteeing to them all of the country which was promised to them at Arbuckle, and which yet remains to them after taking away that part which he gave to the Kiowas and Comanches.

Our people claim all of the country lying between the Kiowa and Comanche Reservation and the one hundredth meridian or the Texas line, and all north of that reservation to the Canadian River.

Our people want the Great Father told that they do not want white men to put cattle in their country.

KOR-SID-A-WAS-ER-DATE, his x mark.

Witness:

E. KUHN.

ES-QUETCH-CHEE, Wichita (Old Man), says:

He is about 65 years of age; was born on Red River not far from the mouth of the Big Wichita. When I was a boy the chief of the Wichitas was killed, and after that my people moved into the Wichita Mountains, and had many villages. When I became a man I moved with some of my people to Rush Springs, east of where Fort Sill is now, where we made farms and had everything plenty; never wanted for anything. We lived there a great many years, quiet and peaceable, until soldiers came there in search of Comanches who were camped near our village, buying corn and watermelons from us, and who had before coming to our village committed depredations on the frontier in Texas.

The soldiers had first searched through the Wichita Mountains, and were under command of Major Van Dorn. When they came to our village they had Towaconie, Waco, Keechi, and Caddo scouts with them. Some days before they came the Towaconie and Waco scouts had been sent out by Major Van Dorn to look for the Comanches. These scouts came to us as friends and relatives, and we told them that there was a large camp of Comanches on Rush Creek a short distance from our village, and that night the scouts left our village without our knowledge, which made us uneasy.

The next day, soon after daylight, the soldiers came, led by the Towaconie and Waco scouts, and had a fight with the Comanches, killing a great many. My people then became afraid, because the Comanches knew the Wacos and Towaconies were friends of ours and had been to our village the day before, and had returned to Major Van Dorn, and told him where the Comanches were camped. We thought it best to abandon our fields of corn and go and live near Arbuckle, until we knew the Comanches would not molest us.

When arriving at Arbuckle we were destitute, having left everything in the way of food at our village on Rush Creek. We asked the commanding officer for rations, telling him we had nothing to eat. We then had beef issued to us, the first we ever received from the white man. We lived a while on Caddo Creek, but moved near Arbuckle, to a clump of timber, where we received beef.

While we were camped near Arbuckle, Major Rector's nephew came and told us that there was a paper at the post saying that some white chiefs from Washington were coming to Arbuckle to have a talk with the Indians.

When the white chiefs came, some of my people went with them farther west to look at the country. They went as far as the Wichita Mountains and then returned to Arbuckle. In the mean time word had come from people in Texas that new friends from that country who had got into trouble were coming to Arbuckle with Major Nabors and some soldiers.

The Caddoes, Towaconies, Wacoes, Keechies, Tonkaways, Penetethkas and others came and we received them all as friends and brothers.

After the council with the white chiefs, who told us our country extended from Cottonwood Grove, on the Washita, to the Antelope Hills, and from the Canadian to Red River (Major Rector said from ninety-eighth meridian to Antelope Hills, and from Canadian to Red River), our friends from Texas returned to the Brazos, and that same fall we all went to Cottonwood Grove on the Washita. The white chiefs who were at Arbuckle told my people that we were to have this country, and that it should never be taken away from us.

We have never consented to give up any part of our country. We want the country promised us, and which was always ours long before the council at Arbuckle.

We want the talk at this council to be sent to the Great Father at Washington.

ES-QUITCH-CHEE, his x mark.

Witness:

H. KUHN.

CHES-TE-DI-DES-AH, Wichita chief (Old Man), says:

He is an old man and remembers well when it was proposed to have their friends in Texas come up to Arbuckle and have a council with them.

Our friends the Towaconies, Wacoes, Caddoes, and others came up to where my peo-



ple were living near Arbuckle and held a council with my people, and some white chiefs from the Great Father at Washington, about 24 years ago.

After the council was over, As-sod-y-wats, chief of the Wichitas, told our people that our friends in Texas were coming up to live with the Wichitas, and when they came the Wichitas would move away from Arbuckle and meet their friends on the Washita River, and that the country lying between where they were then living and the Antelope Hills, and all between the Canadian and Red Rivers, should belong to them and their friends from Texas for a home forever.

The Wichitas have always lived in this country and have never consented to give any of it away, but were willing that their friends the Towaconies, Wacoos, and others from Texas should come and live with them. My people want a paper from the Big Father at Washington saying that their country shall not be taken from them, and they want their agent to tell the Big Father how far their country extends.

CHES-TE-DI-DES-AH, his x mark.

Witness:

H. KUHN.

HI-MI SHO-WAY, Big Man (Caddo), says:

He has heard the Towaconies and Wichitas to-day, and knows what they have said is true. He knows that the Caddoes and their friends in Texas were brought here about 24 years ago, and this country was given to them.

When the Indian chiefs then living on the Brazos in Texas returned from Arbuckle, where they had been in council with the white chiefs of the Great Father, they told their people that they were all to come to this country and live with the Wichitas; that the white chiefs at Arbuckle had promised that this country should be their home forever.

When we came to this country we were told how far it extended. We were shown that it extended six miles west of the Antelope Hills, and east as far as the Cottonwood Grove on the Washita River and from the Canadian to Red River.

We all believed what the white chiefs had told our chief men at Arbuckle, and have lived here ever since, making farms and homes for ourselves in the full faith that our country would never be taken away from us. We lived here in peace until the white people's war began, when we went away for a time, because we were afraid to remain at home; but we never thought of throwing away our country. As soon as the white man's war was over our people all came back to their homes.

After we returned we were told that part of our country had been given to the Kiowas and Comanches, to which we offered no remonstrance, believing that the Great Father would pay us for the country he had taken from us and gave to the Kiowas and Comanches, and because we were told that the remainder of our country between the Canadian and Red River, and west of the Antelope Hills, would not be disturbed or taken from us.

But now word comes to us that the Great Father proposes to give the Cheyennes most of our country between our agency and the Antelope Hills, and that the Cheyennes are arranging with white men to bring cattle into our country. We are not willing to this or to have the Cheyennes occupy our country. We want it for our own use.

HI-MI-SHO-WAY, his x mark.

Witness:

H. KUHN.

TAY-NER, (Caddo,) says:

When he was a young man he lived with some of his people on the Brazos, in Texas, where the Great Father gave us a country to make farms.

We lived in peace there only a short time; we made farms and cultivated them. Some of our young men went hunting from time to time and a good many of them were killed. This made our people feel very bad, but wishing to abide by the advice of our agent, we put up with it all. After some time our agent asked us if we would give up our country on the Brazos for a home somewhere else; we told our agent we would consent to this. Our agent then took the chiefs of the Caddoes, Towaconies, Wacoos, and the others living on the Brazos, and went to Arbuckle to meet the chief men of the Wichitas, Choctaws, and Chickasaws, and some white chiefs from Washington in council.

At this council the three white chiefs told us that we would be given a new home to be ours forever; they told us that our country was to reach from Red River to the Canadian, and from the Chickasaw country to the west side of Antelope Hills, and the country should be ours for all time, and that we were to be friends of the white man.

After the talk at Arbuckle and after we had surrendered our homes and farms on the Brazos, and came to this country and made new homes, the promises that were

then made to us (in 1859 at Arbuckle) were broken by the Great Father, who took part of our country and gave it to the Kiowas and Comanches.

I remember well that the promise made at Arbuckle was, that this country should be ours and no one else's.

My people have never consented to give any part of their country away. Word come to us now that the Cheyennes are claiming part of our country, and are trying to sell the grass to white men. We cannot consent to this. We ask that the Big Father shall fulfill all the promises made to us at Arbuckle. My people and their friends the Wichitas have farms and do not run around; we want what is justly ours.

TAY-NER, his x mark.

Witness:

H. KUHN.

WASHINGTON, GEORGE (Caddo):

I am 70 years old. I came with my people from Louisiana to Texas, where we remained until the war with Mexico. We were then invited by one of the principal chiefs of the Choctaws to come up to their country, and about one-half of my people accepted the invitation and moved up into the Choctaw country and settled on Caddo Creek.

After the war we were asked to go to Houston to have a council, and my people went there, and at that council a treaty of peace was made, and afterwards we came back to the Choctaw country on Caddo Creek, where we remained until the council at Arbuckle in 1859.

I was at that council, and there met the chief men of the Towaconies, Wacoos, Keechies, Ionies, Anardakos, Penetethkas and Caddoes, who had come up from the Brazos River; and also met some of the chief men of the Wichitas. Some white chiefs were there also. Major Rector, Indian superintendent from Fort Smith, Major Nabors, and General Pike were there.

Major Rector took the chiefs and some of the principal men of the Indians with him to where Fort Still now stands for the purpose of showing us where he would build us an agency, this place having been pointed out by General Cooper, agent of the Choctaws. When we arrived there Major Rector disapproved of the location. I then told Major Rector if he would take us up to the Washita River I would show him a good place for an agency. We then traveled north until we reached the Washita River, and I pointed out a place for the agency near the mouth of Sugar Creek. We then returned to Arbuckle.

Major Rector told the Indian chiefs who had come up from Texas that they were to live with the Wichitas, and should have all the country between the Canadian and Red River, west of the 98th meridian.

After the council my people who had been living on Caddo Creek came up to the Washita River with the Wichitas, where we have lived ever since.

GEORGE WASHINGTON, his x mark.

Witness:

H. KUHN.

KAN-WIDDY-HUN-THUS, (Keechi chief):

I was born in Texas, on the Clear Fork of the Brazos. I lived there with my people until I was a young man, when part of my people came to Rush Springs to live with the Wichitas, where we lived a long time, following the Wichita road, raising corn, pumpkins and watermelons. We always had plenty and often traded with the Comanches, who from time to time visited our village.

At one time there were a great many Comanches camped on Rush Creek, a short distance below our village, who came to our village daily to trade for corn, &c. About this time two Indian scouts came to our village, and when we asked them what they wanted, they told us that they came from the soldiers' camp at the west end of the Wichita Mountains. These scouts were Towaconies and Wacoos, friends of ours from Texas, and were with the soldiers in search of some Comanches who had committed depredations on the frontier of Texas.

After remaining with us a short time the scouts went away without telling us that they were going. To have our friends go away in this manner gave us a great deal of uneasiness.

The next morning early the soldiers came led by our two friends, and went to the Comanche camp, and killed a great many Comanches and also two Wichitas.

We then got afraid, thinking that the Comanches would come back and take revenge on us, because our two friends, the Towaconie and Waco scouts, had led the soldiers to the Comanche camp, and went to Arbuckle, where we remained until the following year about midsummer, when we were told that there was to be a council held at Arbuckle, and that our friends and relatives from Texas would be there to hear the talk of the white chiefs.

There was at that council the chiefs and principal men of the Wichitas, and from Texas the chiefs of the Towaconies, Wacoos, Keechies, Ionies, Anadarkos, Penetethkas, and Caddoes. William Shirley and Black Beaver were interpreters at that council. There were three white chiefs there whom I saw and heard what they said.

These white chiefs told the Indians that were in council sitting around them, that they were now to get a home from the Big Father at Washington which they could have forever; they said that the country which the Big Father was about to give them would be theirs as long as water runs and grass grows; never to be taken away from them, but should be known as theirs forever; that the country would be large; that Red River would be their line on one side as high up as a monument on the Texas line, then along that line to the Canadian River west of the Antelope Hills, and from there the Canadian River was to be one side of our country down as far as the Chickasaw country, which country would be our line on the side.

All the country between these lines was to be ours forever.

They told us the Great Father would furnish us rations for five years, and we would receive two issues of clothing each year, one in the spring and one in the fall, but the white man's war soon broke out and we had to go away from our country for a while.

When we took possession of the country which had been given us by the Great Father, Major Emory, who was in command of some soldiers, returned to Arbuckle from an expedition in the Antelope Hills; he was told by the white chiefs at Arbuckle to take his command and go back to the Washita River and build a post on the sun-setting side of the agency that was to be built for our people; there to keep soldiers for our protection against white people and hostile Indians. My people do not want to give up any part of their country, and ask the Great Father to remember his promises.

KAN-WIDDY-HUN-THUS, his x mark.

Witness:

H. KUHN.

A-SA-HAB-BIT (Penetethka chief) says:

He remembers well when he and his people were brought from Texas after the council at Arbuckle, and were given this country to be theirs forever.

Says he was at Arbuckle when the three white chiefs from Washington told us that all the country between Red River and the Canadian as far west as the Antelope Hills, was to be ours forever; that they have lived in this country ever since, and have made farms and homes, believing that this country would be theirs and their children's forever.

But lately word comes to him that the Cheyennes are claiming country on the south side of the Canadian, and are arranging with white men to have the country fenced for the white man's cattle. This is our country, and we cannot see what right any one has to fence it up and take all the grass without our consent. When we first came to this country we found our friends the Wichitas living here. My people want the Great Father to give them a paper guaranteeing to them the country that was given to them at Arbuckle.

A-SA-HAB-BIT, his x mark.

Witness:

H. KUHN.

TOSH-E-WAY (Penetethka chief) says:

He was at the Arbuckle council and remembers well what was told to the Indians at that council by the three white men sent there by the Great Father. They were told if they would give up their country on the Brazos that the Great Father would give them a larger country north of Red River, with their friends the Wichitas, which country should be theirs forever.

My people consented to do so, and came to this country to live with the Wichitas, and have lived here ever since.

We were told that our country should extend from Red River to the Canadian, and from the Chickasaw country west to the Antelope Hills, and we have never given our consent to have any part of our country given away.

In 1872 we were told to go to Washington. He, with others of the head men, went with Major Alvord to see the Great Father, and were told by him that we should live at peace with the white man and make farms for ourselves, but were never told that he wanted to take away from us any part of our country.

At the council held at Timber Mountains, in 1867, we were told that our country extended to the Canadian, and my people cannot understand why the Great Father wants to take any part of our country from us.

TOSH-E-WAY, his x mark.

Witness:

H. KUHN.

JAKE (Caddo) says:

He heard the talk of all his friends to-day, and knows what they have said is true. It is the talk his people have always made. We want nothing but what is straight.

The Wichitas and their friends who came here from Texas, the Towaconies, Wacoos, Caddoes, and others, are the true and only owners of all the country between the Canadian and Red Rivers.

It is the wish of all his people that the Big Father shall be notified of their talk, and to have him know that this country is theirs, given to them for a home forever, and cannot be taken away from them; that the Cheyennes have no country south of the Canadian, and have no right to sell the grass that belongs to my people. My people and their friends who own the country have never consented to part with any of it, and we make this talk to-day so that the Big Father may know our wishes and respect our just rights, and that we will never cease talking until our country is left free for our own use, and that our lives are pledged to the defense of our homes and country.

JAKE, his x mark.

Witness:

H. KUHN.

This is to certify that I am employed at the Kiowa, Comanche, and Wichita Agency, Indian Territory, as United States Indian Interpreter; that I was present at the council of the Wichitas and affiliated tribes held at the agency January 22, 1883, and done the interpreting for Niastor, Korsidawasserdate, Esquitchchu, Chestedide-sah, Hemishoway, Taynor, George Washington, Kanwiddyhunthus, Jake, Asahabbit and Tosheway, principal men of their respective tribes; that I have read their several statements as signed by them, which I find to be correctly written as they were translated by me.

WM. SHIRLEY,  
*U. S. Indian Interpreter.*

#### UTS-TUTS-KINS (Wichita):

The following statement was made by Uts-tuts-kin in the spring of 1882, several months before his decease. He was said to have been the oldest member of the Wichita tribe. His statement was written down at the time, as follows, viz: Tradition says, my people, the Wichitas, long ago came from a far off country and walked down. They used only bows and arrows. Men came in wagons on Missouri River and issued trinkets, &c., to them. After that our people came south; a party went ahead and struck Comanches who had horses; said they had caught them wild; and Wichitas then did the same, which was the first the tribe had.

Afterwards the young chief concluded would all move to Neosho; after living there some time they moved to Salt Fork, and from there to the Red Hills on the North Fork of the Canadian, where they made corn three years, and then moved to mouth of Otter Creek, on North Fork of Red River, and divided into three parties—one to the mouth of the Little Wichita on main Red River, and one to Clear Fork of Brazos, and the other remained at the mouth of Otter Creek.

The chief at mouth of Otter Creek died, and his people joined those at mouth of Wichita, and in five years the chief died at Clear Fork, and his people joined those at mouth of Wichita, and all were together again and lived there a long time. I (Uts-tuts-kin) was born at the mouth of the Wichita. While we lived there white men came in search of money, had a little fight, and whites left.

Afterwards Wichitas disagreed as to where they should stop, but went to mouth of Cache Creek. I was then young. At Cache Creek had trouble with Osages, and wounded our chief in cheek; and then we had small-pox, and lost more than half our people; from there we moved to mouth of Otter Creek. I was then 11 years old. While at mouth of Otter Creek I concluded to go with some young friends on warpath east, and saw no Indians, but when coming home found long trail made by Indians or whites, but when we got home found soldiers holding council. Soldiers come with boy they had captured at Coffey's Bend on Red River. Our chief said we would some day have to do as whites do. This was just 4½ years ago. Moved from Otter Creek to where Fort Sill is now, and remained 6 years. Our big chief was buried there, and we afterwards moved to Rush Springs. We lived there about 8 years when Van Dorn had fight with Comanches near our place; that was in 1858. We then moved to Caddo Creek, near Fort Arbuckle; found Indians and soldiers and considered them intruders, but did not care to make any trouble with them.

The above and foregoing is a correct translation of statement made by Uts-tuts-kins in the spring or summer of 1882.

WM. SHIRLEY,  
*U. S. Indian Interpreter.*

KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory, February 20, 1883.*

JONES, H. P. (United States Indian interpreter):

Having been requested by some of the chief men of the Wichitas and affiliated tribes to state what I knew about any promises made to them in regard to their reservation, I have to state that I was not present at Arbuckle in 1859 but was on the Clear Fork of the Brazos in Texas. Was there when Major Nabors, superintendent of Indian agencies, returned from Arbuckle and when all the Indians then living on the Brazos were moved from there into the Indian Territory under his direction and under charge of Major Leeper, agent of the Penetethka Comanches, and Captain Ross, agent of the Caddoes. I accompanied them to the Washita River in August, 1859, where they were joined by the Wichitas from Arbuckle. We remained in camp on the Washita for several days, and I heard Major Nabors tell the Indians in a general way that their country extended from the Canadian to Red River and west a long distance, that it was a big country, and the Government would some day want the Plains Indians to live with them, and that they were all to be friends and settle and share the country with them.

H. P. JONES,  
*United States Indian Interpreter.*

KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory, February 21, 1883.*

H. P. Jones personally appeared before me this day and made oath that the foregoing statement made and signed by him is true.

P. B. HUNT,  
*United States Indian Agent.*

McCUSKER, PHILIP (interpreter):

I was in Washington in 1872 with Black Beaver (Delaware), George Washington (Caddo), Long Soldier (Towaconie), Es-quit-chu (Wichita), Kan-widdy-hun-thus (Keechi), and other principal men of the affiliated tribes as an interpreter. They went to Washington under charge of Captain Alvord at the request of the Commissioner of Indian Affairs, the Hon. Francis A. Walker. I was present when they were admitted to an audience with the Commissioner and heard what was said. The Commissioner told them he had sent for them and that he wanted to fix the western boundary of their reservation, and that he had decided to establish it 10 miles west of Fort Cobb, but none of the Indians were willing to consent to this, as they claimed to the one hundredth meridian, or, as they stated it, about 6 miles west of Antelope Hills. The Commissioner refused to take any other action in the matter, and the Indians, without consenting to the line fixed by the Commissioner, returned to their homes.

PHILIP McCUSKER.

KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory.*

Philip McCusker personally appeared before me this 23d day of February, 1883, and makes oath that the foregoing statement signed by him is true.

P. B. HUNT,  
*United States Indian Agent.*

STURMS, J. J.:

I went to live with the Caddoes and other Indians in Texas in 1857 in the employ of the Government as farmer. Captain Ross was then agent for the Caddoes, and Major Neighbors was superintendent of agencies. I remained in Texas with the Caddoes until August, 1859, when Major Neighbors had perfected arrangements to have all the Indians then living on the Brazos River move to what was then known as the leased district in the Indian Territory. This was done because the hostility of the whites in that section of Texas under the leadership of Captain Baylor was very great, and the Indians were threatened with extermination. While Captain Ross was at his home, and while he was at Arbuckle with the chief men of the Caddoes and others holding council with United States commissioners, General Pike, Major Rector, and Major Neighbors, I was acting agent, and during that time some of the Caddoes were out hunting and were attacked by white men; 4 Caddo men and 3 women were killed. I called upon Major Thomas, commanding Fort Belknap, for troops to protect the Indians. He sent a detachment of soldiers to the agency, who remained there until the Indians moved into the Territory.

When Major Neighbors and Captain Ross returned to the Brazos with the Indian chiefs who had been to the council at Arbuckle, the Indians were gathered together and were moved to the Indian Territory, leaving nearly all their property behind.

I accompanied the Indians north, and when they arrived on the Washita, there



meeting with the Wichitas, Major Neighbors told the Indians, as he had previously told them before leaving the Brazos, that all the country from the Chickasaw line to the one hundredth meridian and from Red River to the Canadian was to be theirs and their children's for a home forever.

He told them that those who had left their houses, farms, and other property on the Brazos would be compensated for the loss, and he was going to Washington to have it replaced; to have houses built and farms made and to have white men come and learn them how to farm, &c. He told them that they could live anywhere between Red River and the Canadian and within the ninety-eighth and one hundredth meridian.

Major Neighbors was a good friend of the Indians and an honest man, and if he had not been killed by an outlaw at Fort Belknap on his way to Washington there is no doubt that all that had been promised to these Indians by him would have been fulfilled.

I have lived in the Indian country ever since 1859; and in 1872 I went with a delegation of Indian chiefs of the affiliated tribes to Washington as interpreter.

This delegation was under charge of Captain Alvord, special commissioner, and went to Washington at the request of the Commissioner of Indian Affairs. The delegation remained in Washington twenty-three days, and were very much tired out. The Secretary of the Interior was absent, and the Commissioner was not ready to attend to their business. When they were admitted to an audience, they were told by the Commissioner that he had them brought to Washington to tell them where the boundaries of their reservation would be fixed, and first spoke of making Cobb Creek the western boundary of their reservation, to which all of the Indians wanted to protest, but the Commissioner would not permit them to talk. On their behalf I told the Commissioner that the country he had designated and set apart for these people was mostly sandy upland and comparatively barren, except the creek bottoms, and was not sufficient to make them self-supporting. The Commissioner finally said he would fix the boundary on the west so as to take in the headwaters and tributaries of Cobb Creek, which was substantially the same as had been first determined on by the Commissioner, and to which the Indians were unwilling to consent, though they signed a paper to that effect under protest, which has never been ratified by the tribes. When they, the Indian chiefs, returned home, they were abused by their people for having signed such a paper, but as the agreement was never ratified by the Government they have ever since regarded it as void, and believe the whole country west to the one hundredth meridian is still theirs.

The affiliated tribes have used the country westward towards the one hundredth meridian ever since they were brought from Texas for winter grazing, and is still so used by them as far west as the Antelope hills. They do not understand that they have ever ceded any of their country or relinquished any of their right to the country promised them by Major Neighbors.

J. J. STURM.

KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory, February 24, 1883.*

J. J. Sturm personally appeared before me this day and makes oath that the above and foregoing statement made and signed by him is true.

P. B. HUNT,  
*United States Indian Agent.*

SHIRLEY, WILLIAM (United States Indian interpreter):

In 1856 I went to live among the Penetethka Comanches in Texas on the Clear Fork of the Brazos, and remained among them as assistant to Indian trader until 1858; after that I became their interpreter and continued as such until 1862.

When I first went to live among them Captain Baylor was their agent, but was subsequently superseded by Captain Leeper.

During the latter part of 1858 there was some trouble with the frontier people instigated by Captain Baylor, who had been discharged and who made speeches to the frontier people, telling them that certain depredations which had been perpetrated on the frontier had been committed by the Penetethkas and other Indians living on the Brazos, which in reality had been committed by the plains Indians.

Owing to these troubles and the growing hostility of the frontier people, Major Neighbors, superintendent of Indians in Texas, thought it best that the Penetethkas and other Indians living on the Brazos should be moved from there into the leased district in the Indian Territory, and accordingly in June, 1859, he convened the Indians in council and submitted to them the plan which was agreed to, and to consummate the arrangements, Major Neighbors took the chiefs of the several tribes living on the Brazos with him to Fort Arbuckle, there to meet Major Rector, superintendent of Indian agencies in the Indian Territory, and General Pike. I accompanied Major Neighbors to Arbuckle as interpreter and was present at the council held with the

Wichitas, who were then and had been for a long time occupants of the country, and the Caddoes, Towaconies, Wacoos, and others from the Brazos.

At that council it was distinctly stated by the representatives of the Government, Major Neighbors and Major Rector, to the Indian chiefs there present, that the country which they gave to them in exchange for their country on the Brazos was a much larger and better country; that they were to occupy it with the Wichitas, and it was to be theirs and their children's for a home forever; that their country would extend from Red River to the Canadian, and from the creek below the Cottonwood Grove, on the Washita River, to the Antelope Hills. The boundaries thus described were for the purpose of fixing in the minds of the Indians landmarks which they could understand, but, as actually determined by Major Neighbors and Major Rector, the boundaries were defined as the ninety-eighth meridian on the east, and the one hundredth meridian on the west, the Red River on the south, and the Canadian on the north.

The Indian chiefs were told that they could live anywhere within these bounds, and that the Government would build them an agency on the Washita River, and on the sun-setting side of the agency a fort would be built, where soldiers would stay to protect them from the hostile plains Indians and from any aggressions by the whites; that the Government would build houses for them to replace those they would leave behind them on the Brazos, and would compensate them for the loss of any property they could not bring with them, and would issue them rations of beef, flour, and salt, and annuities twice a year for five years, and for five years longer if necessary.

This agreement was being carried out by the Government, houses built, and the issue of subsistence and annuities to these Indians, until the breaking out of the war of the rebellion, when the troops were ordered away from Fort Cobb, and the Indians then became afraid of the roving bands of Plains Indians, and moved away from their reservation, some of them going north into Kansas and did not return until after the war was over in 1867.

While they were away their houses and all their property left by them was burned or destroyed, and when they returned to their reservation they ascertained that part of their country had been given by the Government, without their knowledge or consent, to the Kiowas, Comanches, and Apaches, and they have always believed and said that this part of their reservation was wrongfully taken from them, and repeatedly tried to get redress, but were never accorded a hearing at Washington.

During these repeated efforts to be heard they were told and given to understand that all the country between the Canadian and Red River given to them at Arbuckle and not included in the Kiowa, Comanche, and Apache reservation was still their country.

I have lived among the affiliated tribes ever since the council at Arbuckle, part of the time as a licensed Indian trader, and part of the time as interpreter.

In 1872 Captain Alvord, special commissioner on the part of the United States, came to the Wichita Agency, and a council of the affiliated tribes was convened at the agency at his instance. At that council Captain Alvord told the Indians that he was sent here by the Great Father at Washington to take some of their chiefs and others to Washington to have a friendly talk with the Great Father, and also that they might see the white man's country, his towns and houses, and the vast number of people, and the power of the Great Father, so that they would always live in peace and be friendly.

Shortly afterwards a delegation of the chief men and others of the affiliated tribes, numbering 48 persons, accompanied by myself and other interpreters, went with Captain Alvord to Washington.

After remaining there a number of days, the Commissioner of Indian Affairs, the Hon. Francis A. Walker, admitted them to an audience. He told the Indians he had sent for them to come to Washington to tell about the boundaries of their country; that their east line was the Ninety-eighth meridian, and their north line was the Canadian, their south line the Washita River, and their west line would be a short distance west of Fort Cobb. The Indians protested against fixing their western boundary as stated by the Commissioner, claiming that their country extended to the Antelope Hills; but the Commissioner refused to hear any protests, stating to the Indians that the limits had been settled; and he wanted them to sign an agreement to that effect, to which they objected, but finally did so under protest, alleging that they had not been delegated by their people to cede any part of their country, or to relinquish any rights they might possess, and that their people would not consent to any such agreement; that previous to their coming to Washington there had been nothing said to them about ceding any lands or relinquishing any rights.

When the chiefs returned home to their people and told them what had been done, their acts were repudiated; and as the agreement signed by some of their chief men had never been ratified by the Government nor by the affiliated tribes, the Indians have ever since regarded the agreement signed by some of their chief men as void, and they still occupy the country to the Antelope Hills for grazing their stock.

WM. SHIRLEY,  
*United States Indian Interpreter.*

KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory, February 26, 1883.*

William Shirley personally appeared before me this day, and makes oath that the above and foregoing statement made and signed by him is true.

P. B. HUNT,  
*United States Indian Agent.*

BOARD OF INDIAN COMMISSIONERS,  
*Washington, D. C., April 14, 1883.*

SIR: I have carefully examined the treaties and the Executive order referred to by General Hazen in his communication of April 14, 1883, and I heartily indorse his recommendation that the Executive order of August 10, 1869, be rescinded in so far as it embraces the country south of the main Canadian River, and that the Wichitas and affiliated bands have set apart as a permanent reservation so much of their original country as is defined for them on the map accompanying General Hazen's letter.

Very respectfully,

E. WHITTLESEY,  
*Secretary.*

The Hon. SECRETARY OF THE INTERIOR.

WASHINGTON CITY, *April 14, 1883.*

SIR: I have the honor to most respectfully call your attention to the subject of the Wichita Indians and the bands affiliated with them. These most deserving people who have so far as I know, always been at peace with and friendly to the whites; who originally owned a large tract of country in the Indian Territory along the river and about the mountains that now bear their name, have seen their lands appropriated by the United States and given to other Indians who were at war against the Government as an inducement to cease from war, till there is left to the Wichitas and affiliated bands not a foot of ground nor a blade of grass.

I feel specially interested in this question, having been their superintendent, and having without any intention aided in bringing about what I now desire to see corrected.

In 1869, being superintendent of the wild Indians in the southwest, and having been assigned the duty of locating and keeping the peace with these Indians, I repaired to old Fort Cobb, on the Upper Wichita, finding already there, living by agriculture and in good thatched houses, the Indians now in question, upon the lands they have ever since inhabited and which I wish to see confirmed to them as a permanent home.

In locating and assigning to the various tribes of wild Indians their reservations, the Arapahoes and Cheyennes were given the country between the southern line of Kansas and the Red Fork of the Arkansas or Cimarron, without knowing its character. It was found to be entirely unfit for agricultural purposes, and after their agent, Mr. Darlington, and myself, had personally inspected this reservation, and the Indians had entered a reasonable and proper protest against going on it, Mr. Superintendent Hoag and myself joined in a petition to have the reservation of the Cheyennes and Arapahoes changed, so as to include the country between the Red Fork of the Arkansas or Cimarron, and the South Fork or main Canadian, and the Indians being already there, never having gone on their first-named reservation, Mr. Darlington, the agent, at once removed his agency to the immediate north bank of the Canadian River where it has been located ever since.

About that time I was relieved from duty with these Indians, but the Department commander, General John M. Schofield, June 8, 1869, recommended in a telegram to the Government that this action be confirmed, and the Arapahoes and Cheyenne Reservation be changed, and on June 19 the Commissioner of Indian Affairs, Parker, recommended to the Acting Secretary of the Interior, Judge Otto, that General Schofield's recommendation be approved, and then describes the reservation, but gives the boundaries of the same as follows: "Commencing at the point where the Washita River crosses the ninety-eighth degree of west longitude; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river in the middle of the main channel thereof to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west

on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1861, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary to the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning."

This action was confirmed by the President October 10, same year. It will be seen by this that all of the lands claimed by the Wichitas and affiliated bands not previously assigned to other tribes was by this act taken from them. This tract is marked on the map in blue, dotted. My various letters upon the subject were forwarded as recommending this action. The Commissioner in his letter says: "This office has no information upon this subject, except the telegram of General Schofield, which is very meager and indefinite." This fact, with the Commissioner's statement that he had "no other knowledge of the case," sufficiently explains how so grave an error occurred, for neither Superintendent Hoag nor myself, if I rightly remember all the facts, could have knowingly recommended that the southern boundary of the Cheyenne and Arapaho Reservation should have come south of the main or South Canadian.

It is possible that the experiment then being made of locating these affiliated bands, with the Penetugah Comanches, Kiowas, and Apaches, all on the south side of the Washita, may have caused Commissioner Parker's action in making the boundary as he did. But if so, the experiment has long since been found to be impracticable, so far as a single reservation was concerned, as the Wichitas, for many years, have been located on the north side of the Washita, where they now so plaintively ask to be permanently fixed.

I notice that their agent, Hunt, in his last annual report, refers to their discouragement because "they have no land of their own," but are civilized, "wear the clothing of civilized people," and "live by agriculture" and "in good houses."

On the 10th of August, 1869, the Commissioner writes: "The Cheyennes and Arapahoes wish to locate on the North Fork of the Canadian, some sixty miles below Camp Supply." This is what they wanted when I had charge of that country, and they have been there ever since, and the territory marked in blue, full, is the one that, in my opinion, was intended for their new reservation, and which they now ought to have. I have, therefore, most respectfully and earnestly to recommend that the following territory be set aside for a permanent reservation and home for the Wichitas and affiliated bands, to wit: Commencing where the 98th meridian crosses the Washita or Wichita River, then due north along that meridian to the main or South Canadian, then up the center of the channel of that stream to its intersection with the 100th meridian, it being the western boundary of the Indian Territory, thence south along that 100th meridian till it crosses the North Fork of Red River, thence down the center of the channel of that stream till it intersects the north line of the reservation set apart for the Kiowas and Comanches, by treaty of March 31, 1861, thence due east along that line till it intersects the Washita or Wichita River, thence down the center of the channel of that stream to the place of beginning.

By revoking that portion of the Executive order referred to, so far as refers to this tract, and which was evidently set apart on insufficient information, or, as Commissioner Parker says, "meager and indefinite" information, this land becomes entirely vacant, and it would be eminently just and right in every respect to set it apart for these people. It would furnish them, numbering between eleven and twelve hundred persons, a home, they now having none.

It would restore to them a small part of what was their own, in the sense that any other Indians originally owned their country. It would restore to them the reservation given them by Superintendent Neighbors in treaty and confirmed by Government in 1859. I was then on duty in Texas, and had knowledge of these facts and the killing of Neighbors which probably prevented the full conveyance to the Wichitas then. This proposed reservation is marked in full red lines.

I hope that this case may receive speedy and favorable action. To one who is acquainted with these quiet, patient, and long-suffering people, who are long suffering mostly because they always remained at peace, there is a powerful appeal to the better instincts of our nature in their favor, that can hardly be felt for any other people.

I at first favored a smaller reservation, but in consideration of all the circumstances of their case, I am fully convinced that the full limits here recommended ought to be confirmed to them.

I am, very respectfully, your obedient servant,

W. B. HAZEN.

Hon. HENRY M. TELLER,  
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, July 26, 1883.

SIR: In compliance with instructions dated January 21, 1883, I have the honor to submit the following report, having reference to the claims of the "Wichitas and associate bands of Indians" against the United States, and having reference, also, to that portion of the Indian Territory lying between the 98th and 100th degrees of west longitude and the North Fork of the Canadian River and the northern boundary of what is now the Kiowa and Comanche Reservation, which tract of land is in dispute between the Cheyennes and Arapahoes and the Wichitas.

The claims of the Wichitas to this vast tract of land is predicated upon their tradition of "original occupancy" from a time "whereof the memory of man runneth not to the contrary;" that "their original progenitors issued from the rocks of these mountains;" that "the Great Spirit gave him and his posterity the country in this vicinity for a heritage;" which ancient and honorable title has been recognized and confirmed to them as long as the "waters should run," by the Commissioner of Indian Affairs, August 8, 1859, in a communication from that officer to Superintendent Rector, approving the acts of the latter in a council with various bands of Indians (Wichitas included) held at Fort Arbuckle, July 1, 1859.

I have studied their case carefully and find that upon these grounds—and these only—they now come before Congress and claim all the territory in question, *i. e.* 7,714,248 acres, or about 3,193 to every man, woman, and child; demand that the Cheyennes and Arapahoes be dispossessed of a reservation they have occupied fourteen years under Executive order, and then ask an appropriation of \$20,000,000 to reimburse them for the country occupied by the Kiowas and Comanches, which, according to their time-honored tradition and title belongs to them also.

Had the Wichitas nothing more to recommend them, their inordinate modesty in these matters would show them to be a superior race of people. They charge that the "United States in utter ignorance, or upon a deliberate, willful and wanton repudiation of the agreement made at said council of July 1, 1859," has invaded their legitimate domain and trampled their rights in the dust. They ask in the name of humanity, of justice, of "outraged law," that they "be not restricted by the oppression of might to some narrow, sterile region, where extinction will be of the inevitable, and whereby the claim on the part of the United States that it is their desire to improve and develop the Indian, will prove a miserable sham and most cruel fraud."

Let us see how far these assertions accord with the facts, and without attempting to encompass or dissect the varied and technical acts of legislation surrounding the case, or to fathom the profound and complex (?) legal questions involved, let us divert the whole subject of romance and sentiment, and discuss it from a simple, plain, and practical stand-point, influenced only by common sense, and justice to all parties concerned.

That the Wichitas are a "nation who have walked in the ways of peace and who have been industrious, earning an honorable living by cultivating the soil, and who have ever been friendly to the whites and on all occasions extended to them a generous hospitality," does not admit of discussion. Every one familiar with the life and habits of this kind-hearted and persevering people bear testimony to this fact.

That the United States in "utter ignorance or upon a deliberate, willful, and wanton repudiation of the agreement made at said council" would oppress this people or deny them their just and natural rights is equally beyond the pale of discussion.

As evidence that the United States did not act in "utter ignorance," I refer to the telegram of General Schofield, dated June 8, 1869, to General Sherman, recommending that a reservation be given the Cheyennes and Arapahoes south of the North Fork of the Canadian, in the country now claimed by the Wichitas. Before this recommendation of General Schofield was acted upon the Commissioner of Indian Affairs, under date of —, fearful lest it might conflict with the rights or interests of other Indians, referred the whole correspondence, describing the exterior lines of the then proposed new reservation for the Cheyennes and Arapahoes, to two officers charged with Indian affairs, then upon the ground, and who of all other men were best qualified to pass an opinion upon the feasibility of carrying into effect General Schofield's recommendation. These officers, supposed to be familiar with all Indians and Indian affairs in that part of the country, examined into the merits of the case and reported favorably; upon which the Department based its action, and the Executive order of August 10, 1869, was promulgated. From this it would not appear that the "United States acted in utter ignorance," but, on the contrary, took pains to inform itself as to the true condition of the Indians and the country before permitting the Cheyennes and Arapahoes to be removed thereto or located thereon.

It is claimed now by the champions of the Wichitas that it was never intended to locate the Cheyennes and Arapahoes south of the North Canadian, and the officers who were called upon to report in the case were misled.

I can only say as to this, that it was upon the exterior lines and the location gener-



ally they were instructed to investigate and report, which being altogether south of the river, does not seem to harmonize with the statement now made that it was not the intention to go south of that river. If these officers erred in their judgment or acted in ignorance, let the responsibility rest with them, for surely the Department did all in its power to act intelligently, and there is no reason to suppose the information upon which it did finally act was not altogether accurate, just, and reliable.

As evidence that the "United States" did not with "deliberate, willful, and wanton" intent "repudiate the agreement made at said council," but, on the contrary, has carried into effect every promise made these Indians through Superintendents Rector and Neighbors (except compensation for alleged losses which these gentlemen promised, if possible, to obtain for them), I need only refer to "the humane and beneficent intention of the Government" towards these Indians. See Rector's report July 2, 1859, and his frequent reference to this generous policy which has been pursued through each successive administration without interruption during the past twenty-four years; and quoting from report of Agent Blaine, January 15, 1859 (Wichita R., 1332), "in a word, all the essential elements of civilization that the Government intends to bestow upon them," until to-day these Indians are the most prosperous, comfortable, and well-to-do Indians in the Territory, and except for the machinations of some ambitious and designing white men, I believe would be the most contented also.

It is a fact well known to every person familiar with the Wichita country that it is the most beautiful and fertile section of all that Territory. To be sure there are some black-jack sandy knolls—a good many of them—at the same time it is rich in abundant valleys of surpassing loveliness, and affords to the Wichitas and affiliated bands an acreage of 576 acres to every man, woman, and child. By an unratified agreement they hold this country, which includes the country assigned them by Major Rector (see letter of Mr. Rector, July 2, 1859, inclosing map of reservations in accordance with the Fort Arbuckle council), and 589,517.18 acres besides.

The claim (traditional) that "their progenitors issued from the rocks," and that they have occupied the country "from time immemorial," does not accord exactly with the old orthodox plan of creation, and unless the Great Spirit provided a special Adam and Eve for their benefit, this theory of theirs must fall to the ground. This story is interesting only as a part of the weird and mysterious mythology of all Indian and superstitious races, and is worthy of discussion only as such.

The brief, containing voluminous quotations from public documents, treaties, &c., which has been submitted in support of the claims of these people, does not change their status in the least. Their just rights, whatever they were, are as valid to-day as when the white man became possessed of this country; whether acquired by inheritance or right of possession, they should be respected as much now as then. Children of one common Creator, no one can deny them an earthly inheritance sufficient unto their wants and necessities, but the tenure whereby the original tenants of this soil held possession is shrouded in such uncertainty it is simply impossible to trace the claims of nomadic tribes who inhabited it to this or that particular tract of land.

It is safe to assert, however, that this beautiful country was created for some wise purpose; that it was intended to contribute to the happiness and wants of the children of men, and that it is not consistent with the "Divine plan" that a few—the denizens of the forest—shall monopolize and absorb vast tracts of land to be held in idleness to the exclusion of others needing and standing ready to cultivate and improve them.

It is conceded by all (so far as our information extends) that the Wichitas were among the original occupants of the country in question; they are mentioned jointly in all public documents, treaties, &c., with other bands of Indians who inhabited what is now the Indian Territory, Kansas, Texas, and New Mexico.

There is no evidence that they have prior or more substantial rights in the country than other tribes, save only the fact that wherever they stopped in their wanderings they cultivated the soil, as their more restless and vicious neighbors did not do. Much stress and legal lore have been expended to show that the various legislative acts and treaties with the Chickasaws and Choctaws, to which the Government has been a party during the past sixty-three years, do not affect the claims of the Wichitas, or extinguish their rights in and to the land in question. It is safe to concede this, and I do not see that it can affect their claim or status one way or the other. Admit that their claim is the same to-day as before any treaty had been made with either Choctaw or Chickasaw. What were their claims prior to this—what were their rights—how long had they been possessed of them, and how were they acquired? This is the plain proposition into which the question resolves itself, and who shall answer it? If they actually had acquired rights in this country by conquest, occupancy, or inheritance, prior to the treaties with the Choctaws and Chickasaws, certainly those rights have not been extinguished or abridged, as the act of May 28, 1830, directs that the rights of Indians occupying that country prior to this act shall be respected. I do not see that this point, upon which so much importance is placed, needs any argument.

Their primitive rights, then, and the talk at Arbuckle seem to be the basis upon which to estimate their claims. While there is a moral claim imposed upon the Government through this talk or so-called "agreement" at Fort Arbuckle, July 1, 1859, it must be admitted that no legal obligation was imposed. It was simply a preliminary talk, and to partake of the obligations or solemn nature of a treaty required ratification not only by Congress, but by the Indians themselves, neither of which was done, and a letter from the Department dated August 8, 1859, acknowledging receipt of Superintendent Rector's report, and "your proceedings in the matter are approved and confirmed," is the only action taken in the premises to give it official force or recognition. A man of Superintendent Rector's evident candor and ability, knowing full well, as he must have done, the thousand and one contingencies liable to arise in such a transaction before it would receive the legal sanction and confirmation of Congress, would never, in my opinion, have come into an Indian council and given them to understand that their acts and talks were binding upon both parties without the action of Congress. It is only just to him to conclude that he had too much sagacity for this, or to lead the Indians to believe that he could commit or bind the United States Government to their proceedings. The acts of the Commissioner of Indian Affairs in granting them land were as invalid, in a legal sense, without the action of Congress as were Superintendent Rector's. It is unreasonable to suppose that either of these officials committed themselves in this manner, or assumed to occupy such untenable positions, and the attempt to give to this meeting at Arbuckle the legal force and authority of a solemn compact or treaty is simply misleading and deceiving the Indians, and placing the Government in a false light before the Indians and fair-minded people of the country generally. The Government has sins enough to answer for breach of faith with the Indians, and I am in no sense an apologist for its misdeeds, of which, however, this does not appear to be one. The "good faith" and honor of the United States pledged to the Wichitas and other tribes at that Fort Arbuckle, has been kept with the Wichitas, save only the promise of Superintendent Rector to "do what I can to get pay for your losses, &c.," and there is no ground (with this exception) to censure the Government for the policy it has pursued with reference to these Indians from that day to this. There were many other tribes represented at Arbuckle beside the Wichitas, including Delawares, Shawnees, Kiowas, Apaches, Comanches, who sent delegates with Mr. Rector when he made his trip to locate them all west of the 98th degree west longitude, and the talk and promises made at that council, and the "good faith and honor pledged" there, were given as much to other Indians as to the Wichitas, and in the same manner the country west of 98° was promised to other Indians as much as to them; but accepting this talk or agreement, and guided by it, we find that Superintendent Rector set apart and marked out on a map, "it being very accurate" (using his own language), two tracts of land containing 154,240 acres, to be used by these Indians, including some Shawnees and Delawares, which tracts of lands are within the limits of the present tract occupied by the Wichitas and affiliated bands under the unratified agreement of October 19, 1872. Mr. Rector speaks of the apparent large amount of land set apart for these people, and explains with no little zeal and earnestness the necessity of being liberal with them in this respect. He considers the land assigned them ample for their wants, and yet, notwithstanding there are no Delawares or Shawnees with them now, the quantity of land has been increased 589,517.19 acres.

Superintendents Rector and Neighbors were very zealous and prudent friends of these people, and they so respected them. Their views on all these subjects as to their wants and necessities are peculiarly interesting and instructive in this connection, and may be followed, I think, as a very safe guide. They certainly were exceedingly anxious to do for these people, and no doubt felt they had provided liberally for them in the selection of land then made.

I fail to find any promise or an assurance of any kind that the country about the Wichita Mountains shall be held exclusively by the Wichitas for common hunting-ground and for grazing purposes. They have not even the pretense of such a claim. On the contrary, Mr. Rector recommends, in his communications with the Department, that this country be "reserved" as "common ground" for all the Indians with whom he had been treating at Arbuckle, and whom it was proposed to colonize west of the 98th degree; to this extent and no more were the Wichitas interested with other tribes in land outside of the particular tract assigned them by Superintendent Rector, and any scheme looking to such claim I can but regard as fraudulent and unworthy of consideration. In his Arbuckle report, July 2, 1859, Mr. Rector says of the country about the mountains: "Except as a hunting-ground, I consider the whole region to be utterly worthless and unsuitable for human habitation. This is not only my deliberate judgment, but that of all who accompanied me; \* \* \* another locality must be looked for since this is wholly unfit for the purposes intended."

In all my councils with them and in all their papers, communications, and petitions upon this subject they have expressed themselves as entirely willing to abide by the promises and talk at Fort Arbuckle. (See Rector's report.) "Before we commenced

the journey from Fort Arbuckle they desired to settle here on this creek and plain (Sugar Tree Creek), and they ought, I think, to have the privilege of selecting their home. \* \* \* The Indians declared themselves entirely satisfied with the country selected for them, well known to many of them."

Mr. Neighbors reports, September 3, 1859 (Wichita, N. 26), "the country for miles in every direction was prospected, and the several tribes had made selections for their future villages and farms to their entire satisfaction." Here we have the testimony of their two tried and devoted friends that their choice and wishes as to locality were respected throughout. This the Government has done, except payment for alleged losses in their hasty removal to their new homes and reservation.

There is no direct or circumstantial evidence in support of the claim that it was the intention of the Government to give this vast tract of land exclusively to the Wichitas. On the contrary, in all the correspondence they are mentioned jointly with other tribes, and the following expressions are of frequent occurrence, *i. e.*, "and such other prairie Indians as may be convenient to the location" (see letter of Superintendent Neighbors, dated Washington, D. C., February 1, 1855), recommending the country on the "east side of Red River (known as Cache Creek), near the Wichita Mountains, for the colonization of the Wichita Indians and such other prairie Indians as may be convenient to the location;" again, in letter of instructions to Superintendent Rector, from office of Indian Affairs, dated March 30, 1859, "you will at the same time fix upon a suitable location for the Wichitas and make such an examination of the country as will enable you to determine upon the proper places for locating and colonizing the Texas and other Indians which it is intended to place within the district." This expression and policy is reiterated frequently throughout this office letter.

Lieut. D. S. Stanley, who commanded the escort that accompanied Superintendent Rector in his first expedition to this country, says of it in submitting his report: "We are outside of the cross timbers and have entered the leased district in which we all feel an interest as the prospective home of the wild tribes now scattered from the Arkansas to the Rio Grande."

Agent Blaine, in his report from Caddo Creek, January 15, 1859, says: "I have invited the Kickapoos to bring their people to my camp and settle upon the same terms granted to the Wichitas and others; this invitation they have accepted and are now collecting their people on Wild Horse Creek \* \* \* from whence they will move into my camp"; and further on, in speaking of the country, he says: "It is capable of sustaining a population of at least one million of people"; and again, "The extent of the country, its fertility, its capability of sustaining a dense population, contradicts the position assumed that it was intended alone for the Wichitas, Kechies, and a few trifling bands, all of whom, when collected and settled as contemplated, will not make up a population of more than four thousand; \* \* \* I know also, that it is easy to frame excuses to set up large demands upon the public treasury," &c.

In his report of the Fort Arbuckle council, July 2, 1859, Superintendent Rector says: "I again urge the appointment of a commission to treat with the hostile Comanches to explain to them how by mistake it chanced that they were attacked when encamped for peaceful purposes, under a guarantee of protection, and to induce them to settle with their brethren in the country selected for and assigned them."

Here we have the concurrent testimony of four disinterested persons (disinterested, except to promote the best welfare of these Indians), all to the effect that what was commonly known as the leased district was to be occupied for the colonization of all the wild tribes from the "Arkansas to the Rio Grande." This is corroborated and fully supported in letters of instruction from the Department itself. I fail to find one single expression or allusion which will justify the conclusion that it was the policy of the Government to surrender the country to the Wichitas exclusively, or to recognize their claim to any portion of it other than that assigned them by Superintendent Rector, and indicated upon the map submitted at the time with his report at Arbuckle July 2, 1859.

That the Wichitas or some bands of them occupied or rather attempted to occupy or make settlements in the country in dispute, for a long time back, there is no reason to doubt; but that they acquired or held actual possession or made permanent settlements is controverted by the following: "Old I-sad-o-wa told me that his people abandoned the place (Wichita Village) because so many of them died there," and owing to high waters—floods—"they raised but few crops." (See report of D. S. Stanley, July 1, 1859.)

Maj. Wm. H. Emory, First Cavalry, in a report to headquarters of the Army, dated Fort Arbuckle, October 18, 1855, says of the country: "Neither Indians nor agents will attempt to occupy that country till protected by United States troops," and in a subsequent report, January 10, 1859, "that the Indians who depredate on Texas secreted themselves in the Wichita Mountains"; in which latter charge, according to report of Rev. Jedediah Morse, D. D. (page 257), made to the Secretary of War, 1820, the Caddos and others seem to share rather a conspicuous part, and Agent Blaine and Superin-

tendent Neighbors in their reports on the situation of affairs plainly give their grounds for suspicion of the same thing.

As to their claim, at least those who removed from Texas, for property lost, destroyed, or left behind, Superintendent Rector, in his report July 2, 1859, says: "Major Neighbors will immediately carry out your instructions by forthwith removing all the Indians there, with their cattle, horses, and all other movable property"; and Mr. Neighbors, under date of September 3, 1859, reporting his arrival with the Indians at the Wichita Agency, says: "I accordingly, on the 1st of September, turned over to him (Rector) all the Indians and Government property, after returning to the Indians all their property of every name and nature, furnishing him (Rector) with complete invoices of the same, with certified census rolls of the Indians," &c.

From this it would not appear that their movable property had been abandoned, neglected, or left behind, as has been alleged.

The Indians repudiate and reject the unratiſied agreement of October 19, 1872, and claim that they were coerced into signing it. All but three of the men who signed that agreement in Washington are now dead. From two of them I could gain but little satisfaction in my recent councils, but George Washington, a very intelligent and reliable man, and one of the signers, told me that at the time of the signing of that agreement in Washington the Indians did fully understand the conditions and terms of the papers they were signing. At first Commissioner Walker proposed to run the western boundary near old Fort Cobb, but upon the Indians objecting to this the lines were carried beyond the timber further west, and then they (the Indians) were satisfied. This is also corroborated by the statements of others, and from the fact that by that agreement they obtained 559,517.19 acres more than that originally assigned them in accordance with the promises made them at Fort Arbuckle, it is only fair to presume they were satisfied; at any rate, it is not reasonable to suppose that Commissioner Walker or Agent Alvord would have been parties to any agreement based upon fraud or oppression, or any other consideration but justice to the parties most interested. Both these gentlemen signed the unratiſied agreement, which to my mind (together with the compromise demanded by the Indians, and which was conceded them), is a guarantee that it was not only fair and just, but that it was fully understood by the Indians.

These Indians have been encouraged to believe they have a large claim against the Government for land; they have no such claim, but I would deal justly with the Wichitas, generously, and even liberally, and in view of Superintendent Rector's promises that he would do what he could to get pay for ponies, cattle, and stock left behind, lost or stolen, and for the corn in their fields, which the soldiers and troops consumed and devastated, I would recommend a reasonable appropriation to reimburse them per capita for such losses as they may have sustained at that time.

This certainly includes all the ground embraced in the Arbuckle talk, and to my mind is a very fair analysis of the proceedings of that council, so far as it relates to the Wichitas.

As to their claim of priority in the occupation of the territory in question, there is ample proof that many other Indians occupied it also a long time before it became a part of the United States, but our knowledge of this country in early days is so limited, and the knowledge we possessed of its geographical extent and boundaries so vague, we must of necessity depend largely upon the unwritten history and traditions of the Indians. In view of all this, it is rather an interesting fact that the Wichitas had their limits so accurately defined as to be able to describe them to us now by the degrees of longitude and latitude. On the map accompanying Mr. Rector's report, all the country west of what is now the western boundary of the Wichita Reservation is marked "Plains."

No doubt it was considered a part of the Llano Estacado, and regarded of no value to anybody until within a very recent period, since when it has become desirable for grazing purposes. Except for this, it is fair to presume this dispute or claim never would have arisen.

Relying upon their unwritten history, it seems that the "memory of man does run back" to a time when the Wichitas did not own or inhabit, or claim to own or inhabit the country which they now assert they have lived in since time "immemorial." Niastor, the present chief, related to me in open council the story of their migration as he had been taught it by his mother. Utstutskins, one of the oldest and best men in his tribe (now dead), related the same story to his agent in open council last January. The Wichitas are often referred to as Pawnee Picques, and they are proud of the evidence and proof of it in the tattooed marks upon their persons—notably a double triangle upon the back of the hand, upon the breasts of their females, and other parts of the body; a practice or custom preserved also among the Pawnees to this day. It is a well-known fact that the Pawnees were once a large and powerful and warlike people. It is also a well-known fact that they were driven by internecine wars from the upper waters of the Missouri, and migrated southward. This part of their history dates back two hundred years, and is contemporaneous with the early history of the Wichitas.

Niastor, from choice, used a Pawnee interpreter during my councils with them, as most likely to secure accuracy. The Pawnees and Wichitas speak the same language, and both tribes believe that originally they were one; that is to say, that the Wichitas are an offshoot of the Pawnees. This of course gives us a clew to their early history, which is substantially the same as that given by Uts-tuts-kin and Ni-as-tor, and is to this effect: That originally they were living upon the Missouri River; that warlike and hostile tribes came down the river and greatly outnumbering them drove them south and west from the Missouri River, into the country or near the country at present occupied by the Osage Agency. They remained there and planted fields for a number of years, until at last that country became crowded and the Wichitas sent out an exploring party—west and south—to look up a new location and home for them. This party returned and reported having found a beautiful country, when all the Wichitas pulled up stakes and started. They walked, as this was before they had seen any horses. (See No. 4375, Indian Office, 1883.) They stopped at a "big bend in the river, among sand hills," on the North Fork of the Canadian; they remained here about ——— years, when a party started off and located at the mouth of Otter Creek; they were also over in Texas; then Mexico. Most of their oldest men now living remember being on the Brazos River and at the mouth of the Little Wichita, many of them being born at the latter place. They were broken up in scattered bands, and when the old chief with the band on the Brazos died his band joined the band at the mouth of the Little Wichita, on the south side of the Red River, in Texas. After remaining here for some years, they crossed Red River again and went north and located at Rush Spring, or on Rush Creek, in what is now the Indian Territory, and joined other bands of their people, who during these years had remained in and about that part of the country (i.e., in and through and about the Wichita Mountains), never staying more than a few years in one location, which fact was due partly to their migratory habits and disposition, and partly to the depredations of their hostile neighbors. Instead of the Wacos and Tawaconies being separate Indians, or Texas or Plains Indians, as they are generally recognized and spoken of, they are Wichita Indians, offshoots from the parent stock which migrated south from where the present Osage Reservation is. They derived their names from incidents connected with their migration and history. Tawaconie is a Wichita word, and means "among the sand hills in the bend of the river," and was given to that band who first made their home in the bend of the river (hereinbefore spoken of), as indicating their location and distinguishing them from other Wichitas. Waco is also a Wichita word, and means "gone to Mexico." It is often spelled "Hueco," and was given by the Wichitas themselves to another band who started out and migrated to old Mexico.

The Wichitas themselves say the word Wichita is an Indian word, but they do not know its meaning, and that it was the name given them by the Osages.

On the occasion of my recent visit among the Osages I took pains to follow up the story from the Osages and to my delight found that the story the Wichitas had given me as to how they derived their name was true. Wichita, or properly spelled "Wetsich-tah," is an Osage word and means "scattered camps." The Osages tell me the name was given the Wichitas when they (the Osages) first found them on the Missouri River away back to a time when "the memory of man runneth not to the contrary." The name was given them to distinguish them from other Indian camps or villages, it being the custom of these Indians (the Wichitas) to live in "scattered camps" rather than in clusters or villages, and that is what their name means.

Thus we see if we go back to their claim of priority in the country between the 98th and 100th degrees of west longitude and the Canadian and Red Rivers and since time "immemorial," and when "the memory of man runneth not to the contrary," and that "their progenitors issued from the rocks in the mountains" which bear their name, we find they have no foundation in fact for any such claim, any more than they have to certain tracts or districts in what is now Kansas, New Mexico or Texas, through which they may have roamed and where they may have sojourned temporarily.

As to the willingness of the Cheyennes and Arapahoes to relinquish the territory south of the Canadian, granted them by Executive order of August 10, 1869, and a petition purporting to have come from them to that effect (No. 12185-83, Ind. Off., referred to in my letter of instructions from the Department, January 20, 1882, pp. 29 and 30), the Cheyennes and Arapahoes, in joint council with the Wichitas, in the presence of myself, Agents John D. Miles and P. B. Hunt, repudiated this petition as false and fraudulent from beginning to end, conceived in malice and obtained through intrigue and deceit. This petition is without date or witnesses to signature; without certificate of interpreter or either agent, and was obtained through dishonest practices of ill-advised and so-called friends to promote ambitious schemes, and must inevitably react upon and reflect discredit upon the Wichitas and the men who connived at and were instrumental in betraying the Cheyennes (some of them) into signing it. The Cheyennes and Arapahoes have repeatedly been assured by the authorities in Washington that they should remain upon and be protected in the possession of the present reserve. (See office letter to J. D. Miles, June 26, 1879, and March 24, 1882.) By recent



leases effected with white men for a portion of their country for a period of ten years with the knowledge of the Department, they are strengthened and fortified in their possessions and the rights guaranteed them through said Executive order.

They appreciate fully the revenue to be derived from these leases, and will under no circumstances relinquish these advantages unless compelled to do so by force. In my judgment any attempt to dispossess them will result in bloodshed, and probably lead to a desperate Indian war.

The amount of land per capita now held by the Cheyennes is 583 acres; that of the Wichitas 576 acres; a comparatively small and insignificant difference, while the actual wants and needs of each tribe are about the same. It is my candid opinion that they both possess more land now than their actual needs require, and far more than either of them will cultivate or utilize through the peaceful arts of civilization.

To change their relative status in this particular would result in no good, while to take from one tribe and give to the other would bring about a state of feeling which would undoubtedly lead to serious trouble. Their separate views upon the subject as expressed in open council are herewith submitted—the Wichitas protesting against the grazing leases (Exhibit A, petition of chiefs, dated May 18, 1883), and the Cheyennes and Arapahoes demanding that they be protected in their rights (Exhibit B, petition of Cheyennes and Arapahoes and proceedings of their council, May 22, 1883, forwarded by Agent John D. Miles, with two letters of transmittal, dated May 26, 1883).

In conclusion, I have to recommend that the present reservation of the Wichitas, occupied by the provisions of the unratified agreement, October 19, 1872, be confirmed to them by act of Congress or patent, and that they receive a reasonable consideration in money for their alleged losses at the time of their removal to their present location; that the treaty reservation of October 28, 1867, granted the Cheyennes and Arapahoes be restored to its original status, and their present reservation, under the Executive order of August 19, 1869 (less the present Wichita Reservation), be confirmed to them by act of Congress or patent. This has been a troublesome question with the Cheyennes and Arapahoes for a number of years, and should be disposed of without further delay. The claims of the Wichitas are of long standing, and their rights should be defined and guaranteed to them by some authority from which there shall be no appeal.

Emigration and civilization are pressing upon these people on all sides, and the imperative necessity of prompt action in the premises must be apparent without further argument.

Attention is invited to the annual estimate of funds for these people—\$137,667.50—submitted by Superintendent Rector, from June 30, 1860, to June 30, 1861, which estimate includes \$10,000 for building houses in lieu of those abandoned in Texas, which does not look as if they had been ill-treated.

Attention is also invited to the story of their migration southward by Niastor, their present chief, herewith inclosed (Exhibit C), and dated Wichita Agency, May 19, 1883.

Very respectfully,

E. B. TOWNSEND,  
*Special Agent.*

The Hon. COMMISSIONER OF INDIAN AFFAIRS.

UNITED STATES INDIAN SERVICE,  
*Cheyenne and Arapahoe Agency, Darlington, Ind. T., May 26, 1883.*

SIR: In compliance with your request I have secured a written statement from "Whirlwind" and "Big Man," Cheyennes, and "Big Mouth," and "White Crow," Arapahoes, in relation to the paper purporting to be a relinquishment to the lands lying south of Canadian River, and embraced in Executive order of "August 10, 1869." I inclose herewith for your consideration, viz:

- A. Petition and protest, Cheyennes and Arapahoes. (Returned.)
- B. Statement, Cheyennes and Arapahoes, "Big Man," "White Crow," headmen; "Whirlwind," "Big Mouth," chiefs.
- C. Council proceedings, Cheyennes and Arapahoes.
- D. Indian Office copy of letter June 26, 1879.
- E. Indian Office copy of letter March 24, 1882.

By reference to the statement of "Whirlwind," "Big Mouth," "Big Man," and "White Crow," you will observe that these Indians protest against having ever signed a paper of the character indicated in "A," but admit that they were induced to sign a paper as they expressed it signifying their entire satisfaction with the lands and reservation as at present assigned them, meaning the Executive order of August 10, 1869, a map of which was exhibited at the time of signing. In addition to or in

connection with the statement of the Indians in Inclosure B, I desire to call attention to the following points on Inclosure A:

(1) It is in evidence that it was written by some interested party in Washington, and not by an officer of the Department, nor with the advice or consent of the Indian Office or the agent in charge of said Indians.

(2) It is headed "Cheyenne and Arapahoe Reservation, Indian Territory." The usual form would have read "Cheyenne & Arapahoe Agency, I. T." This would seem to indicate that the scheme of securing the signatures of these Indians was intended to be without the knowledge of the agent and proper officers of the Government.

(3) Even this programme could not be carried out, as it is in evidence that no interpreter could be secured or induced to lend his influence in securing signatures on this reservation, and the parties (Joe Leonard and McKinney) then induced our Indians (those named in "B") to go off this "reservation" and meet in a Caddo lodge south of the Canadian.

(4) There appears on this statement (A) the names of "Left Hand," Arapahoe, and "White Shield," Cheyenne, who were not in attendance at said council, nor was any one authorized to sign their names. Hence those names were *forged*.

(5) There appears on this statement (A) the names of Little Mountain Calf and Spotted Face, while in fact there are no Indians on this reservation known by these two names; hence the double crime of fraud and forgery. Without going into detail in the further consideration of this document (A), I desire to state that I have been stationed at this agency as Indian agent during the past eleven years, and have had ample opportunity to know the feelings and wish of these Indians on the subject of reservation, and I do not hesitate to say boldly that the contents of this statement (A) is at variance with the statement of every member of the two tribes (Cheyenne and Arapahoe), and I am satisfied that they were induced to sign the same by false statements as to its real contents. These Indians are thoroughly familiar with the boundaries of their reservation as given to them by Executive order August 10, 1869, and knew every foot of the ground, and had they been dissatisfied with this reservation, I would certainly have heard from them at some time during the past eleven years. Our Indians have known nothing of the Wichita claim until quite recently.

Inclosure B speaks for itself and is supported by a strong line of evidence. Inclosure C council proceedings of 22d instant was one of the largest ever held at this agency, and was convened at their own request to enter protest against the action of the few who signed this paper (A) and to assure you of their protest against assigning any portion of their reservations to the Wichitas, beyond that already given by them to said Indians as per "unratified" agreement October 19, 1872. They claim, and justly, too, that the Government has given them this country and they are satisfied with it and have been assured from time to time by the Department, that this reservation was given them in lieu of their treaty reserve, and that "under no circumstances must they leave it." The unsettled condition of the title to this reservation has frequently been called to the attention of the Department, and the invariable reply has been: "That as the Indians (Cheyennes and Arapahoes) refused to locate upon the lands set apart for them by the treaty of October 28, 1867, and accepted other lands in lieu thereof, they would not now be allowed to occupy the same." (See inclosures D and E.) In this respect the Government has fully committed itself through its executive officers and the Cheyennes and Arapahoes have no other thought than to accept this Executive order reservation, and to occupy the same in lieu of their treaty reserve, nor will they now consent to any change. They are willing to allow the present location of the Wichitas, &c., to remain and to have the same confirmed to them and taken from the Executive order of August 10, 1869, which gives to said Wichitas a decided advantage in quantity and quality of timber and agricultural lands. This I know from my own personal knowledge of the country. Furthermore, I do not understand that the lands lying south of the Canadian and west of the present Wichita Reservation are embraced in any of the Wichita "prior claims" and "time immemorial traditions." Hence the Government had a perfect right to assign these lands to whom it pleased, and as these lands have been given to the Cheyennes and Arapahoes in lieu of other lands to which they have a legal right, I am sure the Government has not been defrauded, nor have the Indians received anything that was not their due, and as the matter now stands it is due to these Indians, Cheyennes and Arapahoes and Wichitas that these lands as at present assigned be confirmed to them by an act of Congress, which will give the Indians an assurance of permanency which will enable them to proceed to make permanent homes, which they cannot now do with much heart. The Wichitas are our neighbors and the Cheyennes and Arapahoes deplore the existence of a state of affairs which engenders strife, and they think that if these Indians will present a reasonable claim through the proper channels, it would be much better than to employ unscrupulous squaw-men who are only anxious to satisfy their own greed. The Indians of this agency have already leased for grazing purposes for a period of ten years all that portion of their reservation lying south of the Canadian and west of the Wichita Reserve and have received a payment thereon, which is au-

thorized by the Hon. Secretary of Interior in his letter of April 25, 1883, and as per instructions received at this office from the Hon. Commissioner Indian Affairs, under date May 7, 1883, and to adopt any measure at this time which would interfere with this arrangement would very likely lead to serious complications and difficulty with these Indians.

I am, very respectfully,

JNO. D. MILES,  
*United States Indian Agent.*

Hon. E. B. TOWNSEND, *Special Agent,*  
1418 F street, N. W., Washington, D. C.

—  
KIOWA, COMANCHE AND WICHITA AGENCY,  
*Indian Territory, May 19, 1883.*

To P. B. HUNT,  
*United States Indian Agent:*

We the undersigned Indians of the Wichitas and affiliated tribes, respectfully and earnestly protest against the lease of lands by the Cheyennes and Arapahoes to white men for grazing purposes, south of the Canadian River, against the erection of any fences on said land and against any white men holding or herding cattle thereon, and request in view of the claim that our people make to this country, that you present the matter to the Honorable Commissioner of Indian Affairs, and ask his intervention until Congress settles the question of our reservation boundary.

JAKE, his x mark,  
TYNER, his x mark,  
GEORGE PARTON, his x mark,  
KAWOOSHTA, his x mark,  
SERGEANT TOM, his x mark,  
INKERNISH, his x mark,

*Principal or chief men of the Caddoes.*

KANWIDDYHUNTHUS, his x mark, Keechie.  
TOWACONIE JIM, his x mark, Towaconie.  
LONG HORN, his x mark, Delaware.  
NIASTOR, his x mark, chief of Towaconies.  
BULL WILSON, his x mark, Delaware.  
LEFT HAND, his x mark, Waco.  
ZODIAHKO, his x mark, chief of Wichitas.  
ESQUITCHO, his x mark, Wichita.  
ASSEKEOSHATES, his x mark, Wichita.  
TUDDYDINAHANKOS, his x mark, Keechie.  
ACHITTUWAX, his x mark, Wichita.  
KORHAYDACE, his x mark, Wichita.  
CHESTIDADESAH, his x mark, Wichita.

Signed in presence of—  
H. KUHN,  
HUGH L. TOBIN.

We hereby certify that we witnessed the signing of the above and foregoing protest by all the Indians whose names are thereto appended, and that the same was written and drawn up at their request and was fully explained to each one and all of them before signing.

WILLIAM SHIRLEY,  
*Agency Interpreter.*  
H. KUHN,  
*Clerk.*

—  
CHEYENNE AND ARAPAHO AGENCY,  
*Darlington, Ind. T., May 22, 1883.*

We the undersigned, being four of the chiefs and headmen of the Cheyenne and Arapaho tribes of Indians, whose names appear on a petition to the Honorable Secretary of the Interior (within date)—subject: Desire that lands in Indian Territory, lying between Canadian and Cimarron rivers be assigned them and “that neither we nor our people desire to have set apart for us nor to move to or live upon the land south of the Canadian River and named in Executive order of 1869”—desire to state that our first knowledge of the existence of such a paper or petition was at a council at Wichita Agency, on the 16th instant as presented by Hon. E. B. Townsend, special

agent, who had invited us to be present at said council to consider the claim of Wichitas and affiliated bands to a portion of our reservation.

We do, however, acknowledge that we were invited by the Caddoes and Wichitas to meet with them in friendly council about one year ago (June 19, 1882), at a Caddo house on south side of Canadian River and in said council there were but few Indians present, mostly Caddoes, one white man (McKinney) and one colored man who acted as interpreter and ourselves, "Whirlwind" and "Big Man," Cheyennes; "Big Mouth," "White Crow," and "Coming Rain" (latter deceased), Arapahoes. None other Cheyennes or Arapahoes were present at said council. The subjects discussed at this council were, first, the report of Caddoes and Wichitas who had just returned from Washington, in company with one Joe Leonard, white, who was at one time married to a Caddo woman, who brought with them maps and papers with the information that Washington was anxious to know whether we were satisfied with our lands as assigned us. And if so, the Department wished a letter or statement to this effect. To this we expressed ourselves in the affirmative and the Caddoes and Wichitas did the same, and it was impressed upon us as necessary to send such a statement to Washington in writing, and it was such a statement as this that we understood we were signing, and we were emphatically told we were signing such a paper as this and nothing more or less. The white man (McKinney) who was present wrote our names and we touched the pen. We further state that neither "White Shield," Cheyenne, nor "Left Hand," Arapaho, were present at said council, nor did we sign their names or authorize them signed, as we had no such authority from the persons named. As for the two names which appear as "Little Mountain Calf" and "Spotted Face," we know of no such Indians by these names in either of our tribes, nor was mention made to us of any such persons or names at this council. We therefore desire to say to the Department that the whole of said paper or petition as it now appears and has been explained is a *deceptive fraud, a base forgery and false* from beginning to end, perpetrated and instigated by a few unscrupulous whites, who have intermarried with the Caddo and Wichita tribes of Indians, purely for selfish motives and not for the good of the Indians they claim to represent.

WHIRLWIND, his x mark,  
*Cheyenne Chief.*  
 BIG MOUTH, his x mark,  
*Arapaho Chief.*  
 BIG MAN, his x mark,  
*Cheyenne.*  
 WHITE CROW, his x mark,  
*Arapaho.*

We sign ourselves in the presence of--

ROBERT BENT,  
 JOHN F. WILLIAMS,  
 H. C. MANN.

I certify on honor that the contents of the above statement were fully explained to the Indians before signing, and that they fully understood the same and that it expresses their statements made in regard to the matter.

GEO. BENT,  
*U. S. Interpreter.*

I hereby certify that the above statement of Whirlwind and Big Man (Cheyennes) and Big Mouth and White Crow (Arapahoes) was made of their own free will, and that the same has been prepared and forwarded at their request, and for the information of the Hon. E. B. Townsend, special agent, to be embraced in his report.

JNO. D. MILES,  
*U. S. Indian Agent.*

CHEYENNE AND ARAPAHO AGENCY, IND. T.,  
 May 22, 1883.

—  
 KIOWA, COMANCHE, AND WICHITA AGENCY,  
*Indian Territory, May 19, 1883.*

At a general council of the Wichitas and affiliated tribes convened at this agency, on the 15th day of May, 1883, with other proceedings had, the following statement was made by Niastor, chief of the Towaconies:

NI-AS-TOR. My mother told me that her father said she was born in this country, and that he was born on the Arkansas River, below where the town of Wichita now is, and where there were holes in the ground in which could be found flint heads for arrows, and pottery, near where the Osage country now is. My great grandfather told my mother that when the Wichitas lived on the Arkansas River the Indians from

the north and east crowded them and fought them, and drove them this way. That at that time To-de-kits-a-die (meaning Boy Chief) was the chief of the Wichitas; he told my mother that our people had always lived there, but after the Indians fought them our people held a council and concluded to move away from there. Some of our people were selected to go and look out a country, and they went southwest until they saw the mountains (now called Wichita Mountains), and liked the country very much; they returned to the village, and then our chief men called a council and heard what the returned party said about the land they had seen; that it pleased them, and that they wanted all of our people to go there. At that time there were a great many Wichitas, and our people had never seen any horses, there being none in the country, and when our people left the village on the Arkansas River to go south, they all had to walk. When they arrived at the North Canadian they traveled up that river till they came to the red sand hills in the bend of the river, where they made villages and raised corn. It was there that some of our people were first called To-wac-o-nies, because they lived in sandy hills in the bend of the river. To-wac-o-nie is a Wichita Indian word meaning "Bend in the river among red hills or sand hills." Our people, after living there some years raising corn, got tired, and the boy chief, To-de-kits-a-die, told them that they would all go to the Wichita Mountains, which was a better country for raising corn than the Red Hills. To-de-kits-a-die died after our people had settled in the Wichita Mountains.

I forgot to tell you that my mother told me when the Wichitas moved from the Red Hills on the Canadian, they remained for some years north of the Washita River and made farms near the mouth of Sugar Creek, and while they lived on the Washita there was a big freshet which covered all the bottom land and flooded the whole country. Our people moved from here to the Wichita Mountains. This was during the lifetime of my grandfather, and my mother was born in the Wichita Mountains.

When you ask our old men about these things they are afraid to tell white men, because they are superstitious.

I was born near Mount Scott on Medicine Bluff Creek, on the north side of the mountain. I am now 48 years old. My mother was very old when she died, 13 years ago; she was much older than Es-quit-cho is now. She died on the south side of the Washita River opposite the mouth of Sugar Creek, and because of all these things I am deeply in earnest about our country, and feel strong in asking that it shall not be taken from us.

The Wichitas a long time ago were called Pawnee Picques, but our people did not call themselves by that name, and I do not know why we were called by that name.

NI-AS-TOR, his x mark,  
Chief of Towaconies.

Witnesses to signature:

E. B. TOWNSEND,  
P. B. HUNT.

I hereby certify that I have read the above and foregoing statement made by Ni-as-tor, chief of Towaconies, in open council before Special Agent E. B. Townsend, on the 18th day of May, 1883; that I interpreted for Ni-as-tor, and find the same to be a correct statement of what was said by him, and that he requested the same should be sent to the Commissioner.

HARRY COONS,  
A Pawnee from Pawnee Agency, Interpreter.

We hereby certify that we heard the above and foregoing statement made by Ni-as-tor and witnessed the signing of the same by him, and that the interpretation, as given by Harry Coons, was correctly rendered.

PHILIP McCUSKER.  
J. J. STURM.

WM. SHIRLEY,  
Agency Interpreter.

CHEYENNE AND ARAPAHO AGENCY,  
Darlington, Ind. T., May 22, 1883.

The chiefs and headmen of the Cheyenne and Arapaho tribes being assembled in council, the claim of the Wichita Indians was brought before the council as follows: The agent states that at a council recently held at the Wichita Agency a paper was produced purporting to be a release of that portion of the Cheyenne and Arapaho Reservation lying south of the Canadian, and signed by Whirlwind, Left Hand, Big Mouth, White Crow, and others. And now, by request of Special Agent Townsend, these Indian chiefs are requested to state their understanding of the contents of that paper, their reasons for signing the same, and who induced them to sign. The agent then read the names of the signers of the papers.



WHIRLWIND being asked who requested him to attend the secret council, says: Whirlwind and Bigman were there; also White Crow, Coming Rain, and Big Mouth. White Shield was not there, neither Powder Face, Storm Calf, nor Left Hand. White Crow being asked what was talked of in council, says that they talked of their band and wanted Washington to know that they did not want to give any of their land away. That this council was the fourth council held, but the only one attended by these Indians—the white men present. There was but one white man, and he was there just to write down what the Indians should say; his name was McKinney.

SLIM FACE, a squaw-man, being asked what the contents of the signed paper were, says: They never told him the contents, only showed him the reservation and wanted all to join together to hold letter; the letter was only friendly letter asking Washington to allow the Indians to hold their land; that McKinney wrote names down first, and afterwards the Indians touched it, the pen. Being asked if he saw any one sign pen for Whirlwind, said no. Big Mouth told them Tall Bear was chief, but White Crow told them that Powder Face and Left Hand were chiefs; that no one touched for either Powder Face or Left Hand, and McKinney wrote names without any authority, and in absence of both chiefs, Big Mouth told the council that he was head chief of Arapahoes. Being asked who told them to sign White Shield's name, says, no one told them to sign White Shield's name or any one else's name; that Stone Calf never authorized the council to sign his name, neither was the name of Stone Calf mentioned in council; that there is no such Indian by name as Little Mountain Calf, neither Spotted Face, in the tribes.

LITTLE BIG JAKE says: He always told the Indians that if they had anything to say to come into agency building to transact all ———. Says he does not recognize the paper or council held by the Wichitas; that if they had any council about reservation they would all get together, Cheyennes and Arapahoes, Kiowas and Comanches, and if they had any papers to sign would first talk over same among themselves. Been talking about this country for years; have always loved this land. That the parties who signed the paper never told any of the chiefs about it, and now chiefs do not recognize any of those who signed the paper; that the Government told them that this land was theirs, and they do not want to part with any of it.

BOB TAIL says: This is the right way to council; that he is glad of this talk; that all can now understand; that he approves all Big Jake has said; that if they were going to sign away any land, would have biggest council ever held; that when he heard of this paper all were frightened; that they don't recognize anything done by that secret council; that the road made in open council is the strong road; and that all those who took part in the secret council will hereafter not be recognized in future councils.

CLOUD CHIEF says: Always understood this to be council house, and councils held in broad daylight; does not approve of councils held away off; says did not know of subagencies all around reservation; thought this the only agency; says this reservation was given them by the Government, and do not intend to give any other Indians. Approves Little Big Jake's talk; does not recognize anything the secret council did; says mighty bad that two men go down and sign away their reservation; that they knew nothing about land given away until Special Agent Townsend told them, and do not approve of it; says will not recognize the signers of this paper, and this will be a lesson to the tribe not to sign any more papers or hold secret councils.

WOLF FACE says: First time ever had to talk in council, although he has talked white man road for a long time. This building was put here for council room, and when have anything to say, here is the place to come in broad daylight and talk. They now know boundaries of reservation, and will not give any of it away; that they love their land, and it scares them to have private councils away from agency; don't like idea of these men going off and signing away part of reservation; makes feel bad to think about it; that have had many talks about reservation, and the council held by Wichitas was same as trying to steal land away.

White Crow, Big Mouth, Whirlwind, Big Man.

WHITE ANTELOPE says this is proper place to council; have always worked together, Arapahoes and Cheyennes, and talked together; says only contract ever made was when they leased the land for grazing purposes. That never heard of this council of Wichitas; that Big Man and Whirlwind shall not hereafter be recognized in council.

MAN-ON-A-CLOUD says: Arapahoes and Cheyennes always work together; that he was in Washington with other chiefs, and that in Washington they promised him this reservation; always thought they had right to it; that Commissioner told him this was place to council; says he knows boundaries, and never goes outside. Understood the lands had been leased for grazing purposes, and he was glad of it; this is the place to hold business councils, and does not approve of giving lands away. All these young men were out in herds when they first knew of the paper signing away their land—felt bad. That he understands boundaries and knows how much land we have; that

he don't approve the giving of any land; that do not recognize the paper, and if you white people will throw away your bad white men they will throw away their signers.

BOB-TAIL-HORSE says: Always understood this to be the council room; that he is the headman of the Indian soldiers. When the chiefs returned from Washington they told him what land was theirs and do not want to give any of it away; thought the chiefs had more sense than to sign away any of the land; does not recognize those who signed the paper.

POWDER-FACE says: Don't have great deal to say; never thought of having so much talk about reservation; thought everything was settled; he loves our reservation and found out only when at Wichita Agency of our reservation being given away; says he is on the right road, and would not do anything wrong or out of the way; that whenever they council they council here and do nothing outside; that he always consults the agent so that nothing may be done wrong; says Agent Miles heard what he had to say when at Wichita Agency; that he loved his land and did not want to give any of it away. Says that he told down there in council that he would not hereafter recognize White Crow or Big Mouth.

ROW OF LODGES says: Approves of all that has been said; that he is with them; that the Indians know this is the right kind of council; that he knows how much land is given them and that he loves it; they recognize what has been given them and are going to hold it. Don't like this signing away of land, and won't hereafter recognize White Crow and Big Man; all look at as though they had tried to steal the land; that both tribes have made a rule not to recognize either of the chiefs.

BLACK CROW says: He went to Washington with Yellow Bear, Left Hand, and Runner; that when he got to Washington the Commissioner told him about the land, and since then the tribe knew what they had, and these men have been trying to give it away—they don't like it—say they were not authorized to sign any paper.

BIRD CHIEF says: There are two leading men here, Powder Face and Left Hand; that this is the place to hold council—does not approve of people going off to council. Land was given them twelve years ago; he loves it; made him feel good when he saw the money here for grass, but afterwards he got scared when he heard of the signing away of part of the reservation. Says he approves of putting away those chiefs who signed a paper giving away the land; that he recognizes only the two chiefs to make any road.

WHITE MAN says: He was not at that council; never heard of it, and wants that white man who signed his name *sent off*; that no one is authorized save Left Hand and Powder Face to make any road for the Arapahoes.

LEFT HAND says it is a good road that all have said, and he approves it; that he recognizes Agent Miles as their chief; that only the agent should be listened to; that he approves of all said here to-day. What was done by the Wichitas is not approved of, and the signing of the papers was a fraud, the same as stealing the land; when he was in Washington they showed him and defined the reservation for Wichitas, the road was made and no more land ever given them; does not approve of squawman, and Cheyennes ought to make them leave the country; that they marry their women only to get their land; that they don't recognize this paper—ought to throw it away—it was done in the dark; they love their land, love their land, love their land, love their land; that 'tis all right to talk to-day; that the Arapahoes approve of all that has been said—that both tribes are well represented here, that their hearts all feel good to-day; that the agent knows that what was done in that council was not approved of; this is the place and this the room to make the roads; this way of going off secretly to make roads must be cut off; that this council's proceedings be sent to Washington; that all the chiefs sign it.

LITTLE BIG JAKE, his x mark,  
BOB TAIL, his x mark,  
CLOUD CHIEF, his x mark,  
WOLF FACE, his x mark,  
WHITE ANTELOPE, his x mark,  
MAN ON A CLOUD, his x mark,  
BOB TAIL HORSE, his x mark,

*Cheyennes.*

POWDER FACE, his x mark,  
ROW OF LODGES, his x mark,  
BLACK CROW, his x mark,  
BIRD CHIEF, his x mark,  
WHITE MAN, his x mark,  
LEFT HAND, his x mark,

*Arapahoes.*

Witness:  
H. C. MANN.

I hereby certify that I was in attendance at the council, and know that the statements herein given are true as spoken by the different chiefs and headmen of the Cheyenne and Arapaho tribes of Indians.

JOHN D. MILES,  
*United States Indian Agent.*

CHEYENNE AND ARAPAHO AGENCY, IND. T.,  
May 22, 1883.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, June 26, 1879.

SIR: In reply to your letter of the 27th ultimo, relative to assigning lands in severalty to the Indians at your agency, I have to inform you that by the provisions of article 2 of the Cheyenne and Arapaho treaty of October 23, 1867 (15 Stat., p. 594), the United States set apart for the absolute and undisturbed use and occupation of the Indians, parties to said treaty, and for such other friendly Indians as they might be willing, with the consent of the United States, to admit among them, a reservation therein described lying south of Kansas and west of the Arkansas River.

The Cheyennes and Arapahoes did not locate upon this reservation, but settled on the lands now occupied by them. These Indians claimed they did not understand the location of the land set apart by the treaty of 1867, and as they desired a reservation on the North Fork of the Canadian River, the President of the United States, upon the recommendation of this office, authorized by Executive order dated August 10, 1869, their location on a tract of country described as follows, viz:

"Commencing at the point where the Washita River crosses the ninety-eighth degree of west longitude, thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river in the middle of the main channel thereof to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary to the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning."

The provisions of the treaty of 1867, which authorized the issuance of certificates of selection for 320 acres of land to heads of families who desired to commence farming, contemplated the Indians settling on the lands set apart by said treaty, and cannot be enforced on their present reservation, nor is there any other law which would authorize the assignment of the lands within their present reservation, to the Indians in severalty.

In regard to whether said Indians have any right to the land set apart by the treaty of 1867, I have to state that as the Indians refused to locate upon said lands, and accepted other lands in lieu thereof, they will not now be allowed to occupy the same; besides, a portion of said land has been granted to other Indians in accordance with the terms of article 16 of the Cherokee treaty of July 19, 1866 (14 Stat., p. 804).

Very respectfully,

E. A. HAYT,  
*Commissioner.*

JOHN D. MILES, Esq.,  
*United States Indian Agent,*  
*Cheyenne and Arapaho Agency, Ind. T. (via Wichita, Kans.)*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 24, 1882.

SIR: In reply to your letter of the 6th instant, in which you say that, relying upon the information given them by the Secretary of the Interior in person at Washing-

ton, September 20, 1880, the Cheyennes are organizing a move to locate on the north side of the Cimarron River, upon the lands embraced in their treaty reservation, and that you fear trouble between them and the cattle men who are there under authority from the Cherokees, I have to inform you that this office has heretofore held (see letter to you of June 26, 1879), that as the Indians refused to locate upon the lands set apart for them by the treaty of October 28, 1867, and accepted other lands in lieu thereof, they would not now be allowed to occupy the same. A portion of the land given them by the above treaty has been granted to other Indians who are now occupying the same, and if the Cheyennes were permitted to return to the former reservation serious complications might arise.

I do not find that the assurance of Secretary Schurz is of record, and have no other evidence of it than the statements of the Indians as reported by you.

As at present advised, it would seem to be best that the present reservation should be confirmed to these tribes as recommended in your annual report of last year, and the matter will be laid before the honorable Secretary of the Interior at once, with a view to securing the necessary legislation.

You will therefore direct the Indians to remain within the limits of the reservation as established by the Executive order of August 10, 1869, and under no circumstances to leave it.

Very respectfully,

H. PRICE,  
*Commissioner.*

JOHN D. MILES, Esq.,  
*United States Indian Agent,  
Cheyenne and Arapaho Agency, Indian Territory.*

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UNITED STATES INDIAN SERVICE.  
*Cheyenne and Arapaho Agency, Ind. T., May 26, 1883.*

SIR: In view of the facts elicited in the councils with the Cheyennes and Arapahos and the Indians of the Kiowa Agency, and as set forth in the inclosures A, B, C, D, and E, with my letter to you of this date, I have to request that the Department authorize Agent P. B. Hunt, or myself, or both, to make the arrest of Joe Leonard and one McKinney, for the crimes therein indicated.

Very respectfully,

JOHN D. MILES,  
*Indian Agent.*

Hon. E. B. TOWNSEND, *Special Agent,*  
1418 F street N. W., Washington, D. C.

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Articles of agreement made and concluded at Washington City, District of Columbia, the nineteenth day of October, A. D. 1872, by and between Francis A. Walker, Commissioner of Indian Affairs, representing the United States, of the one part, and the undersigned chiefs, headmen, and members of the Wichitas and other affiliated bands of Indians duly authorized to act for their people, of the other part, witnesseth:

ARTICLE 1. The United States hereby give and grant to the said Wichitas and other affiliated bands, for a home, the tract of country bounded as follows, to wit: Commencing at a point in the middle of the main channel of the Washita River where the 98th meridian of west longitude crosses the same, thence up the middle of the main channel of said river to the line of 98° 40' W. L., thence on said line of 98° 40' due north to the middle of the main channel of the main Canadian River, thence down the middle of said main Canadian River to where it crosses the 98th meridian, thence due south to the place of beginning.

ARTICLE 2. In consideration of the reservation provided for in the preceding article the said Wichitas and other affiliated bands hereby cede and relinquish to the United States all right, title, interest or claim of any nature whatsoever, in and to any lands in Texas, Louisiana, Indian Territory, or elsewhere within the limits of United States.

In testimony whereof the parties to this agreement have hereunto subscribed their names and affixed their seals on the day and year first above written.

FRANCIS A. WALKER,  
*Commissioner Indian Affairs,*  
(Party of the first part.)  
ESSADUA, his x mark,  
*Head Chief of the Wichitas,*  
ESQUITZ-CHEW, his x mark,  
*Delegate for Wichitas,*  
NAR-TAH-SIS, his x mark,  
*Delegate for Wichitas,*  
GEORGE WASHINGTON, his x mark,  
WAR-LOO-PEE (Guadaloupe), his x mark,  
*Chiefs of Caddoes*  
ANTELOPE, his x mark,  
*Delegate for Caddoes,*  
DAVE, his x mark,  
*Chief of the Towaconies,*  
LONG SOLDIER, his x mark,  
*Delegate for the Wacoos,*  
RISING SUN, his x mark.  
*Chief the Keechies,*  
(Parties of the second part.)

Witnesses:

HENRY E. ALVORD,  
*United States Special Commissioner.*  
PHILIP MCCUSKER,  
*United States Interpreter.*  
J. J. STURM,  
*United States Interpreter.*  
BLACK BEAVER, his x mark,  
*Delaware Indian.*

Witness to mark, H. E. A.

*Cheyenne and Arapaho Reserve.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
June 19, 1869.

SIR: I have the honor to acknowledge the receipt, by reference from the Secretary of the Interior on the 10th instant, of a letter from Adjutant-General E. D. Townsend, bearing date the 9th instant, inclosing a copy of a telegram dated Fort Leavenworth, Kans., June 8, 1869, from Maj. Gen. J. M. Schofield to General W. T. Sherman, recommending that the reservation for the Arapaho Indians be changed from its present location to the North Fork of the Canadian River, and requesting a report thereon from this office.

By the terms of the treaty with the Cheyenne and Arapaho tribes of Indians, proclaimed August 19, 1868, it is provided in the second article thereof that "the United States agrees that the following district of country, to wit: Commencing at the point where the Arkansas River crosses the thirty-seventh parallel of north latitude; thence west on said parallel—the said line being the southern boundary of the State of Kansas—to the Cimarron River (sometimes called the Red Fork of the Arkansas River); thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them."

It will be seen from the language of the second article of said treaty, just quoted, that a reservation upon which they are now located has already been provided for said Indians within the boundaries in said article designated, but I am of opinion that it would be better for both the Indians and the Government if they were to be removed to the North Fork of the Canadian River in accordance with the suggestions of General Schofield, provided any authority can be found for removing and locating said Indians in the manner contemplated.

Should you be of opinion that such authority exists, and determine in pursuance thereof to cause a removal of said Indians to be made from their present reservation,



I would suggest that a tract of country be set aside for their occupation and use bounded as follows, viz: Commencing at the point where the Washita River crosses the ninety-eighth degree of west longitude; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with said tribes; thence east along said boundary to the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning.

The territory comprised within the boundaries last above designated contains a small portion of the country ceded to the United States by the terms of the treaty with the Creek Indians concluded June 14, 1866; a portion of the country ceded to the United States by the terms of the treaty with the Seminole Indians concluded March 21, 1866, and the remainder is composed of a portion of what is commonly known as the "leased country."

Inasmuch as this office has no information upon the subject, except that conveyed by the telegram of General Schofield, which is very meager and indefinite, I am unable to determine the causes which seem to require this change, and I would therefore respectfully suggest, unless there is some pressing necessity which will admit of no delay, whether it would not be well to refer the matter to the proper officers of this Bureau for investigation and report before any action is taken.

The letter of Adjutant-General Townsend, together with the copy of the telegram of General Schofield, are herewith returned.

Very respectfully, &c.,

E. S. PARKER,  
*Commissioner.*

Hon. W. T. OTTO,  
*Acting Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., August 10, 1869.

SIR: Referring to my report to you of the 19th of June last, relative to the change of location of the reservation for the Cheyenne and Arapaho Indians, I now have the honor to submit, herewith, copies of the following letters relative to this subject, viz:

Letter from Superintendent Hoag, dated the 31st ultimo, inclosing letter from Brevet Major-General Hazen, dated the 24th ultimo.

Letter from Superintendent Hoag, dated the 4th instant, inclosing letter from General Hazen, dated the 2d instant.

It appears from these letters that the Cheyennes and Arapahoes did not understand the location of the reservation as defined by the treaty of August 19, 1868; that they have never been upon said reserve, and do not desire to go there, but that they desire to locate on the North Fork of the Canadian, some 60 miles below Camp Supply; that the agent for these tribes has a large quantity of valuable stores in this locality, which are very much exposed.

Inasmuch as these Indians express a desire to be located upon a reserve, I think it very desirable that their wishes should be gratified, and that they be not permitted to again roam on the plains. I therefore respectfully recommend that the President be requested to authorize the location of these Indians on the North Fork of the Canadian River, where they desire to go, and that immediate steps be taken to provide temporarily for them there. The country desired by them is public land, and I think it competent for the President to direct their location thereon. In view, however, of the fact that these Indians have a reservation defined for them by treaty stipulation, legislation can be asked of Congress at the coming session to insure a permanent reservation for them where they may locate, and abandon as a reservation the present one, restoring it to the public lands.

Very respectfully, your obedient servant,

E. S. PARKER,  
*Commissioner.*

Hon. J. D. COX,  
*Secretary of the Interior.*

AUGUST 10, 1869.

The recommendation of the Indian Commissioner approved.

J. D. COX,  
*Secretary.*

Approved August 10, 1869.

U. S. GRANT,  
*President.*

[Senate Mis. Doc. No. 69, Forty-fifth Congress, second session.]

*Letter from the Secretary of the Interior to the chairman of the Committee on Indian Affairs, transmitting a copy of a report of a commission appointed in pursuance of law to appraise certain lands in Indian Territory lying west of the 96th degree of west longitude.*

MAY 15, 1878.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, May 9, 1878.*

SIR: I have the honor to transmit herewith a copy of a letter addressed to this Department, under date 26th ultimo, inclosing a copy of a report of a commission appointed under the provisions of the fifth section of the Indian appropriation act of 1876 (17 Stats., 190), and the sundry civil appropriation act of 1876 (19 Stats., p. 120), to appraise certain lands in the Indian Territory lying west of the 96th degree west longitude.

Copies of all inclosures noted in the letter of the Commissioner are also transmitted.  
Very respectfully,

C. SCHURZ,  
*Secretary.*

Hon. WM. B. ALLISON,  
*Chairman Committee on Indian Affairs, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, January 30, 1877.*

SIR: The following-named gentlemen are hereby appointed to appraise the lands ceded to the United States by the Cherokee Indians under their treaty of July 19, 1866, as provided for by the fifth section of the act of Congress approved May 29, 1872: Thomas P. Kennard, of Lincoln, Nebr.; Enoch H. Topping, of Louisburg, Kans.; Thomas E. Smith, Paola, Kans.

You will please notify these gentlemen of their appointment, and prepare and submit to the Department for approval the necessary instructions for their guidance.

Their compensation will be eight dollars per day, each, in addition to their actual expenses.

Very respectfully, your obedient servant,

Z. CHANDLER,  
*Secretary.*

THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., February 26, 1877.*

SIR: I have examined, and return herewith, approved, the "draught of instructions to commission to appraise Cherokee lands," which accompanied your letter of the 24th instant.

Very respectfully, your obedient servant,

Z. CHANDLER,  
*Secretary.*

THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 3, 1877.

SIR: Referring to office letter of 30th of January last, notifying you of your designation as a commissioner, to be associated with Messrs. E. H. Topping, of Louisburg, Kans., and Thomas P. Kennard, esq., of Lincoln, Nebr., for the purpose of appraising the Cherokee lands in Indian Territory lying west of the ninety-sixth meridian of west longitude and west of the land of the Osage Indians, the following detailed instructions are given for your guidance in the premises, viz:

The commission will meet at Lawrence, Kans., on Wednesday, the 28th instant, or such other time and place as they may determine.

Before entering upon the discharge of your duties each of you will subscribe, before a notary public, to an oath or affirmation to perform the service faithfully and impartially, which oath or affirmation should be forwarded to Washington, to be placed in the files of this office.

The lands to be appraised are located between the Arkansas River and the one hundredth meridian of west longitude, and between the old Creek boundary line (which is an east and west line shown on the maps of Indian Territory forwarded this day to E. H. Topping, esq., in township 20 north, and colored yellow) and Kansas, including the Pawnee Indian Reservation established by the fourth section of an act of Congress approved April 10, 1876, copy herewith, to which your attention is specially invited respecting the price to be paid to the Cherokees by the Pawnees, which shall not exceed seventy cents per acre.

By the sixteenth article of the Cherokee treaty of July 19, 1866, the lands to be appraised by you are opened to the settlement of friendly Indians at the rate of 160 acres to each Indian; but owing to the limited appropriation of \$5,000, which amount in no event are you authorized to exceed, for the expenses of the appraisal of so large a tract of country, nearly 300 townships, it will be impracticable for you to make a personal inspection of every section, or even of every township.

It may be desirable, however, to examine and appraise, by townships, all the land lying east of the Indian meridian, and, perhaps, some few townships west of said meridian; but it is believed that much, if not all, of the country west of the Abilene cattle-trail and stage-road from Caldwell, Kans., to the forks of Turkey Creek and Cimarron River, may be cursorily examined and appraised in larger areas at one price per acre.

In determining the valuation per acre of these lands, you will take into consideration the fact that these are lands for Indian occupancy and settlement only, and consequently less valuable than lands open to white settlement.

You are hereby authorized to procure teams, saddles, and conveyances, outfit of tent or tents and camp-equipage, to enable you to make as speedy, efficient, and complete inspection of the country as may be necessary.

You will begin field-work in the northeast corner of the tract, near Arkansas City, Kans., or in the forks of the Arkansas and Cimarron Rivers, near the Pawnee Agency, thence proceed westwardly. I would advise the former as a starting point, inasmuch as you could there procure your teams and outfit and necessary supplies, and enter at once upon the field-work.

You should select some central point for camping for several days, taking with you two attendants, whom you are hereby authorized to employ, one to care for teams and outfit, the other to cook and perform such other duties as you may require, so that each day you may proceed on horseback to view and appraise as many adjacent townships as you can, until all townships or parts of townships approximate to your camps have been appraised, then changing your camp location to some more central point, proceed in like manner until the work is completed.

Mr. Topping has been designated as disbursing agent for the commission, and has been instructed to execute and file a bond, if funds are desired.

A journal of the proceedings of the commission, showing the duty performed each day, should be kept, and transmitted with the accounts of the expedition to this office, when the duties arising under your appointment shall have been completed.

For the assistance of the commission in locating the townships to be appraised, I will, in due time, transmit by Adams Express, to address of commission, care Superintendent Nicholson, Lawrence, Kans., or wherever you may direct, maps of Indian Territory, blank schedules of appraisement, plats showing the townships to be appraised, and field-notes of the exteriors of said townships, all of which you will carefully preserve and return with your final report and appraisal to this office.

Very respectfully, your obedient servant,

J. Q. SMITH,  
Commissioner.

THOMAS E. SMITH, Esq.,  
Paola, Kans.

Same to Thomas P. Kennard, Lincoln, Nebr., and E. H. Topping, esq., Louisburg, Kans.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, September 8, 1877.

SIR: I have the honor to acknowledge the receipt, by Department reference, of communication dated the 25th ultimo, from Thomas P. Kennard to the honorable Secretary of the Interior, resigning his office as member of the board of commissioners to appraise the Cherokee lands in the Indian Territory, lying west of the 96th meridian of west longitude, and west to the land of the Osage Indians.

I am also in receipt, by the same reference, of letter to the honorable Secretary, dated the 6th instant, from Messrs. R. O. Phillip and others, favorably indorsed by Hon. Frank Welch, recommending the appointment of Hon. William F. Chapin, of Lincoln, Nebr., to succeed Mr. Kennard on said board.

While this office entertains no doubt of the high character and qualifications of Mr. Chapin, yet, owing to his remoteness from the lands to be appraised, and the comparatively short time needed to complete the work, it is not deemed advisable to incur the additional expense which his appointment would entail, and for this reason solely his appointment is not recommended in this report.

I have the honor to recommend the acceptance of the resignation of Mr. Kennard, and the appointment of William N. Wilkerson, esq., of Cass County, Missouri, to fill the vacancy on said board, caused by said resignation.

Mr. Wilkerson is known to be a reliable man, and his proximity to the region where the work is to be done makes his appointment advisable.

I respectfully return the two communications hereinbefore referred to, and as the board will meet at Wichita, Kans., on the 15th instant, to complete its work, I have the honor to request early action on this report.

Very respectfully, your obedient servant,

J. Q. SMITH,  
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., September 8, 1877.

SIR: Agreeably to the recommendation of your letter of this date, Mr. William N. Wilkerson, of Cass County, Missouri, is hereby appointed an appraiser of the Cherokee lands in the Indian Territory, to fill the vacancy on said board caused by the resignation of Mr. Kennard.

You will please notify him of his appointment.

The papers accompanying your letter are herewith returned.

Very respectfully,

C. SCHURZ,  
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, September 10, 1877.

SIR: I am directed by the honorable Secretary of the Interior to inform you of your appointment as appraiser of Cherokee lands in the Indian Territory, to fill the vacancy on the board caused by the resignation of Thos. P. Kennard.

You will be associated with Thomas E. Smith, esq., of Paola, Kans., and E. H. Topping, esq., of Louisburg, Kans., and your compensation for the duties required by such appointment will be eight dollars per day while actually engaged therein, and your actual expenses.

Should you accept this appointment, you will so notify this office at once, and join the other members of the board at Wichita, Kans., on the 15th instant. In their possession you will find full and detailed instructions relative to such appraisement by which you will be guided.

Before entering upon the discharge of your duties as such appraiser, you will take and subscribe to an oath or affirmation before a notary public, or other officer having an official seal, to faithfully and impartially perform such duties, which oath or affirmation must be forwarded here to be placed on the files of this office.

Very respectfully,

J. Q. SMITH,  
Commissioner.

WILLIAM N. WILKERSON (Care of Thos. E. Smith),  
Appraiser of Cherokee Lands, Paola, Kans.

Articles of agreement made and concluded this twenty-fourth day of October, A. D. 1872, at Washington, D. C., by and between the United States of America, represented by Francis A. Walker, Commissioner of Indian Affairs, of the one part, and the Arapahoe tribe of Indians, represented by the undersigned, their chiefs and headmen, duly authorized and empowered to act for the tribe, of the other part, witnesseth:

ARTICLE 1. The said Arapahoe tribe of Indians hereby cede and relinquish to the United States all right, title, and interest in and to the reservation, or to any part thereof, set apart for the said Arapahoes and for the Cheyennes, by the second article of the treaty concluded October 28, 1867, at Medicine Lodge Creek, in the State of Kansas, described as follows, viz: Commencing at the point where the Arkansas River crosses the 37th parallel of north latitude, thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River, sometimes called the Red Fork of the Arkansas River; thence down the Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning.

ART. 2. In consideration of the cession and relinquishment embraced in the foregoing article, it is agreed that there shall be set apart for a reservation for the said Arapahoe tribe of Indians, as long as they shall occupy and use the same, a tract of country bounded as follows, to wit: Commencing at a point in the middle of the main channel of the North Fork of the Canadian River ten miles east of the 98th meridian of west longitude; thence up the middle of the main channel of the said North Fork to a point where the present trail from the Upper Arkansas Indian agency, so-called, to Camp Supply, crosses the said stream; thence due north to the middle of the main channel of the Red Fork of the Arkansas River; thence down the said river in the middle of the main channel thereof to a point in said channel ten miles east of the 98th meridian of west longitude; thence south to the place of beginning.

ART. 3. The said Arapahoes agree to receive among them upon the reservation, provided for by the preceding article, the Pacer band of Apaches (now confederated with the Kiowas and Comanches), and agree that the members of this band shall be entitled to all the rights and privileges with the members of the Arapahoe tribe.

In testimony whereof the parties to this agreement hereunto subscribe their names and affix their seals on the day and year first above written.

F. A. WALKER,

*Party of the First Part.*

BIG MOUTH, his x mark,  
LEFT HAND, his x mark,  
HEAP O' BEARS, his x mark,  
WHITE CROW, his x mark,  
YELLOW HORSE, his x mark.  
BLACK CROW, his x mark,

*Chiefs and Headmen Representing Arapahoe tribe, Party of the Second Part.*

Witnesses:

HENRY E. ALVORD, *Special Commissioner.*

PHILIP MCCUSKER, *Interpreter.*

JOHN POISELL, his x mark, *Interpreter.*

Articles of agreement and convention, made and concluded at the city of Washington, this 18th day of November, 1873, by and between Edward P. Smith, Commissioner of Indian Affairs, on the part of the United States, and the undersigned chiefs and headmen, delegates representing the Cheyenne and Arapahoe tribes of Indians, they being thereto duly authorized by the said tribes of Indians respectively, viz:

ARTICLE I. The Cheyenne and Arapahoe tribes of Indians hereby cede, sell, and relinquish and convey to the United States all their right, title, and interest in and to the lands ceded to them by the second article of treaty October 28, 1867, in the Indian Territory, and included within the following boundaries, viz: Commencing at the point where the Arkansas River crosses the 37th parallel of north latitude; thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River—sometimes called the Red Fork of the Arkansas River; thence down the said Cimarron River in the middle of the channel thereof to the Arkansas River; thence up the Arkansas River in the middle of the main channel thereof to the place of beginning.

ART. II. And the said Indians do further fully and entirely relinquish and convey to the United States any and all right, title, and interest of whatsoever nature the same may be which they may now have in and to any other lands in the said Territory or elsewhere.



ART. III. In consideration of the foregoing cession, the United States agree to set apart for the future homes of said Cheyenne and Arapahoe tribe of Indians other lands within the Indian Territory, which have this day been selected by said tribes of Indians, and are described in agreements of this date.

ART. IV. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by Congress and approved by the President.

In testimony whereof the said Edward P. Smith, Commissioner of Indian Affairs, on behalf of the United States, and the undersigned, chiefs and headmen, delegates of the Cheyenne and Arapahoe tribes of Indians, on behalf of said Indians, parties to this agreement, have hereunto set their hands and affixed their seals at the place and on the day and year first hereinbefore written.

STONE CALF, Ho-ho-nan-muck-si, his x mark.

LITTLE ROBE, Tah-ke-ome, his x mark.

WHIRLWIND, Whir-ne-tash-tum-osht, his x mark.

WHITE HORSE, Who-po-ume, his x mark.

WHITE SHIELD, Who-po-hevest, his x mark.

PAWNEE, Ho-na-eh-te, his x mark.

POWDER FACE, Chathane, his x mark.

YELLOW BEAR, Ni-ah-neche, his x mark.

LITTLE WOLF, Kah-me-na-che, his x mark.

MEDICINE PIPE, Etchenatche, his x mark.

FOOL DOG, Eth-non-a-the, his x mark.

EDWARD P. SMITH,

*Commissioner of Indian Affairs.*

Witnesses:

H. R. CLUM.

E. C. GUERRIER, *Interpreter.*

JNO. D. MILES, *United States Indian Agent.*

MARGARET MCADAMS, *Interpreter.*

JOHN F. WILLIAMS.

Articles of agreement made and concluded at the city of Washington this eighteenth day of November, eighteen hundred and seventy-three, by and between Edward P. Smith, Commissioner of Indian Affairs, on the part of the United States, and the undersigned chiefs and headmen, delegates in behalf of and representing the Cheyenne tribe of Indians, they being duly authorized by said tribe, viz:

ARTICLE I. In consideration of and in full compensation for the cession made by the Cheyenne and Arapahoe tribes of Indians, in an agreement between said tribes and the United States, made and concluded this day, and in lieu thereof, the United States agree to set apart for the absolute use and undisturbed occupation and as the future home of the Cheyenne tribe of Indians, all the lands in the Indian Territory embraced within the following-described boundaries: Commencing at a point in the middle of the main channel of the Arkansas River, opposite the mouth of the Cimarron River, sometimes called the Red Fork of the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the Salt Fork of the Arkansas River; thence up the said Salt Fork, in the middle of the main channel thereof, to Medicine Lodge Creek; thence up said creek to the point where it is crossed by the thirty-seventh (37th) parallel of north latitude; thence on said parallel—the said line being the southern boundary of the State of Kansas—to the Cimarron River; thence down the Cimarron River, in the middle of the main channel thereof, to the place of beginning.

ART. II. It is distinctly understood and agreed that any Cheyennes now absent or living north of the Platte River, who may hereafter desire to come and live upon said lands as their future home, shall be permitted to do so upon equal terms and conditions with those Indians hereto assenting.

ART. III. The United States further agree, whenever the Indians of this tribe that are now north shall join those in the Indian Territory, to construct at its own expense, at or near the cattle-trail, at such place as the agent may select, where timber and water may be convenient, the following buildings, to wit: An agency building for the residence of the agent, to cost not exceeding three thousand dollars; a school-house or manual-labor building, to cost not exceeding five thousand dollars; a commissary building, for the use of the agent in storing goods belonging to the Indians, to cost not exceeding ten thousand dollars; a saw-mill, to cost not exceeding five thousand dollars; and six other buildings, as residences for a physician, carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars. And also to furnish annually to the Indians, the following employés: A physician, at a salary of twelve hundred dollars; a chief clerk, farmer, carpenter, miller, engineer,

and blacksmith, each at a salary of one thousand dollars, and a commissary clerk, at a salary of eight hundred dollars.

ART. IV. The United States, in order to insure the civilization of the tribe, agree to appropriate, annually, five thousand dollars for the education of said Indians, the expenditure thereof to be made under such rules and regulations as the Commissioner of Indian Affairs shall deem best for their improvement.

ART. V. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by Congress and approved by the President.

In testimony whereof the said Edward P. Smith, Commissioner of Indian Affairs, on behalf of the United States, and the undersigned chiefs and headmen, delegates of the Cheyenne tribe of Indians, on behalf of said Indians, parties to this agreement, have hereunto set their hands and affixed their seals, at the place and on the day and year hereinbefore written.

STONE CALF, Ho-ho-man-muck-si, his x mark.

LITTLE ROBE, Tah-ke-ome, his x mark.

WHIRLWIND, Whir-ne-tash-tum-asht, his x mark.

WHITE SHIELD, Who-po-hevest, his x mark.

PAWNEE, Hon-a-ehte, his x mark.

WHITE HORSE, Who-po-ume, his x mark.

EDWARD P. SMITH,

*Commissioner of Indian Affairs.*

Witnesses:

H. R. CLUM.

E. G. GUERRIER, *Interpreter.*

JOHN D. MILES, *United States Indian Agent.*

MARGARET MCADAMS, *Interpreter.*

JOHN F. WILLIAMS.

Articles of agreement made and concluded at the city of Washington, this 18th day of November, 1873, by and between Edward P. Smith, Commissioner of Indian Affairs, on the part of the United States, and the undersigned chiefs and headmen, delegates in behalf of and representing the Arapahoe tribe of Indians, they being thereto duly authorized by the said tribe, viz:

ARTICLE I. In consideration of and in full compensation for the cession made by the Cheyenne and Arapahoe tribes of Indians, in an agreement between said tribes and the United States, made and concluded this day, and in lieu thereof, the United States agree to set apart for the absolute use and undisturbed occupation, and as the future home of the Arapahoe tribe of Indians, all the lands in the Indian Territory embraced within the following-described boundaries: Commencing at a point in the middle of the main channel of the Canadian River, eighteen (18) miles east of the ninety-eighth (98) degree, west longitude; thence north to the middle of the main channel of the Cimarron River (sometimes called the Red Fork of the Arkansas River); thence up said Cimarron River, in the middle of the main channel thereof, to the point where it is crossed by the thirty-seventh (37th) parallel of north latitude; thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the one hundredth (100th) degree west longitude; thence south on the line of said one hundredth degree to the Canadian River; thence down the middle of the main channel thereof to the place of beginning.

ART. II. It is distinctly understood and agreed that any Arapahoes now absent, or living north of the Platte River, who may hereafter desire to come and live upon said lands as their future home, shall be permitted to do so upon equal terms and conditions with these Indians hereto assenting.

ART. III. The United States hereby agree to furnish to the Indians annually the following employes: A physician at a salary of twelve hundred dollars; a chief clerk, farmer, carpenter, miller, engineer, and a blacksmith, each at a salary of one thousand dollars; and a commissary clerk, at a salary of eight hundred dollars.

ART. IV. The United States, in order to insure the civilization of the tribe, agree to appropriate five thousand dollars annually for the education of said Indians, the expenditure thereof to be made under such rules and regulations as the Commissioner of Indian Affairs shall deem best for their improvement.

ART. V. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by Congress and approved by the President.

In testimony whereof the said Edward P. Smith, Commissioner of Indian Affairs, on behalf of the United States, and the undersigned chiefs and headmen, delegates of

the Arapahoe tribe of Indians, on behalf of said Indians, parties to this agreement, have hereunto set their hands and affixed their seals at the place and on the day and year hereinabove written.

POWDER FACE, Chathane, his x mark.  
 YELLOW BEAR, Ni-ah-ne-che, his x mark.  
 LITTLE WOLF, Kah-me-nah-che, his x mark.  
 MEDICINE PIPE, Et-che-nat-che, his x mark.  
 FOOL DOG, Eth-non-a-the, his x mark.  
 EDWARD P. SMITH,

*Commissioner of Indian Affairs.*

Witnessed by—

H. R. CLUM,  
 JOHN D. MILES, *United States Indian Agent.*  
 E. GUERRIER, *Interpreter.*  
 MARGARET MCADAMS, *Interpreter.*  
 JOHN F. WILLIAMS.

DEPARTMENT OF THE INTERIOR,  
 OFFICE OF INDIAN AFFAIRS,  
 Washington, April 26, 1878.

SIR: The 16th article of the treaty concluded July 19, 1866, with the Cherokee Indians (14 Stats., p. 804), provides as follows:

"The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form, in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common, or by their members in severalty, as the United States may decide.

"Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President, and, if they should not agree, then the price to be fixed by the President.

"The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied."

Under the provisions of this article the United States has settled the Kansas and Osage tribes of Indians upon that portion of said tract of country lying between the 96th degree of west longitude and the Arkansas River.

The 5th section of the Indian appropriation act of May 29, 1872 (17 Stats., p. 190), authorizes the President of the United States and the Secretary of the Interior "to make an appraisement of the Cherokee lands lying west of the ninety-sixth meridian of west longitude, and west of the land of the Osage Indians, in the Indian Territory, and south of the southern line of the State of Kansas, ceded to the United States by the Cherokee Indians under their treaty of July nineteenth, eighteen hundred and sixty-six, for the settlement of friendly Indians, and report the same to Congress: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized to negotiate with the Southern Cheyennes and Arapahoes for the relinquishment of their claim to the land ceded to them by the second article of the treaty of October twenty-eighth, eighteen hundred and sixty-seven, out of the cession made by the Cherokees in the treaty of July nineteenth, eighteen hundred and sixty-six, and relinquishment, if obtained, to be in consideration of a sufficient and permanent location for the said Cheyennes and Arapahoes, upon the lands ceded to the United States by the Creeks and Seminoles, in the treaties of March twenty-first and June fourteenth, eighteen hundred and sixty-six, and that the Secretary report the action taken by him, under this provision, to Congress at its next session." Under the provisions of this legislation negotiations were had by Francis A. Walker, Commissioner of Indian Affairs, with a delegation of Southern Arapahoe Indians, and an agreement entered into on the 24th of October, 1872, whereby they relinquished all their right to the land ceded to them by the 2d article of the treaty of October 28, 1867 (15 Stats., p. 594), and in lieu thereof it was agreed that there should be set apart, as a reservation for them, a tract of country therein described, which embraces a portion of the Cherokee country west of the Cimarron River, as well as Creek and Seminole ceded lands.

Subsequently Commissioner E. P. Smith held negotiations with delegates representing both the Cheyenne and Arapahoe tribes of Indians, and entered into agreements with them November 18, 1873, whereby they ceded all their rights to the aforesaid treaty reservation of 1867, and the United States, in lieu thereof, agreed to set apart separate reservations for these two tribes; for the Cheyennes the country between the Cimarron River and the Salt Fork of the Arkansas River, and for the Arapa-

hoes the tract of country west of 98° and between the Cimarron and the Canadian Rivers.

Both of said reservations embrace Cherokee territory west of 96°, as well as Creek and Seminole ceded lands.

None of these agreements, however, were put into practical execution, and the Cheyenne and Arapahoe tribes still remain on the reservation set apart for them by the order of the President issued August 10, 1869.

In the sundry civil appropriation act approved July 31, 1876 (19 Stat., p. 120), appears the following:

"For this amount, or so much thereof as may be required to pay the expenses of a commission to be appointed by the Secretary of the Interior to appraise certain Cherokee lands in the Indian Territory, in accordance with the fifth section of the act making appropriation for the expenses of the Indian Department, approved May twenty-ninth, eighteen hundred and seventy-two, five thousand dollars."

Under date of January 30, 1877, Secretary Chandler appointed Messrs. Thomas P. Kennard, of Lincoln, Nebr., Enoch (Ebenezer) H. Topping, of Louisburg, Kans., and Thomas E. Smith, of Paola, Kans., a commission to appraise the lands ceded to the United States by the Cherokee Indians under their treaty of July 19, 1866, as provided for by the fifth section of the act of Congress approved May 29, 1872.

Instructions approved by the Department February 26, 1877, were issued on the 3d of March, 1877, to said commission for their guidance in the performance of the duties assigned them. They entered upon their labors on the 28th of March, 1877, and continued in the field until the last of June, when they adjourned to renew the work on the 15th of September. In the meantime Mr. Kennard tendered his resignation (viz, July 25, 1877) as a member of said commission, and Mr. William N. Wilkerson, of Cass County, Missouri, was, on the 8th of September, 1877, appointed by the Department, on the recommendation of this office, to fill the vacancy.

The commission, as thus constituted, met at Wichita, Kans., on the 17th of September, to renew their labors in the field, which they completed, returning to Wichita, Kans., November 9, 1878.

In compliance with the provision of the fifth section of the act of 1872, "that the Secretary report the action taken by him under this provision to Congress at its next session," I have the honor to submit herewith the report and appraisement of said commissioners, with duplicate and triplicate copies thereof. I also transmit copies of the agreements made with the Cheyenne and Arapahoe tribes of Indians by Commissioner Walker, in 1872, and Commissioner E. P. Smith, in 1873, though not strictly conforming to the provisions of the fifth section of the act of 1872; also copy of Department letters appointing commission, and copy of letter of instruction to the commission.

The appraisement of the Cherokee lands which were set apart for the Pawnee Indians is as follows:

Township 21 N., R. 4 E., 22,985.04 acres, at 62½ cents .....	\$14,365 65
Township 22 N., R. 4 E., 22,964.52 acres, at 62½ cents .....	14,352 82½
Township 23 N., R. 4 E., 16,214.98 acres, at 50 cents .....	8,107 49
Township 24 N., R. 4 E., 1,017.10 acres, at 75 cents .....	762 82½
Township 20 N., R. 5 E., 21,716.14 acres, at 62½ cents .....	13,572 58½
Township 21 N., R. 5 E., 23,026.80 acres, at 62½ cents .....	14,391 75
Township 22 N., R. 5 E., 22,984.06 acres, at 62½ cents .....	14,365 03½
Township 23 N., R. 5 E., 21,914.48 acres, at 50 cents .....	10,957 24
Township 24 N., R. 5 E., 9,670.56 acres, at 50 cents .....	4,835 28
Township 20 N., R. 6 E., 21,810.38 acres, at 62½ cents .....	13,631 48½
Township 21 N., R. 6 E., 23,053.51 acres, at 50 cents .....	11,526 75½
Township 22 N., R. 6 E., 22,017.76 acres, at 75 cents .....	16,513 32
Township 23 N., R. 6 E., 638.71 acres, at 62½ cents .....	399 19½
230,014.04 acres .....	137,781 44½
Making—	
70,853.53 acres, at 50 cents .....	35,426 76½
136,125.65 acres, at 62½ cents .....	85,078 53½
23,034.86 acres, at 75 cents .....	17,276 14½
230,014.04 acres .....	137,781 44½

The average appraised value of Cherokee lands within the Pawnee Reservation is about 59.8¢ cents per acre.

Your attention is invited to the second proviso of the fourth section of the act of April 10, 1876 (19 Stats., p. 29), which is as follows:

"That the sum to be paid to the Cherokees by the Pawnees, for such quantity of

the land herein described as may be within the limits of the Cherokee country west of the 96th meridian of west longitude, shall not exceed 70 cents per acre."

By said section, a certain tract of land therein specifically described was set apart for the Pawnee Indians, and for "such quantity" of said tract as was within the limits of the Cherokee country, west of the 96th meridian of west longitude, a "sum" not exceeding 70 cents per acre was to be paid.

I am of the opinion that said act contemplated one price per acre for the entire tract for which such payment was provided. It was one tract, set apart for one tribe, and payment to be made to another; and while the appraisement was by townships and at various prices, and in some instances at more than 70 cents per acre, I think the method of arriving at one, or the average price, is not material, and that, as such price is below the maximum named in said law, it is legally unobjectionable.

Very respectfully, your obedient servant,

WM. M. LEEDS,  
*Acting Commissioner.*

The Hon. the SECRETARY OF THE INTERIOR.

PAOLA, KANS., August 22, 1877.

SIR: The commissioners appointed by the Hon. Secretary of the Interior to appraise the Cherokee lands in the Indian Territory have the honor to submit the following report:

The commissioners assembled at Lawrence, Kans., in accordance with their instructions, on the 28th of March, 1877, and organized by the election of Thomas P. Kennard, president, and Thomas E. Smith, secretary.

For a detailed account of our action preparatory to entering upon field work, and for a more minute description of the lands thus far examined, and general history of the proceedings of the commission, your attention is invited to the journal which will be forwarded with the accounts of the disbursing agent.

We reached the Indian Territory south of Arkansas City, Kans., on the 12th of April, and on the following day began the work of inspection, following the suggestions contained in our instructions, with reference to our mode of proceeding, as closely as was found practicable.

Our progress was somewhat retarded in consequence of the fact that the military escort which was to accompany us did not arrive until the 29th of April. We were again delayed several days in the vicinity of the Pawnee Agency by the failure of the military authorities to furnish the escort with rations, which failure was doubtless in consequence of the extraordinary floods in the streams of that section.

The only other interruption in our work was from frequent rains and high water. In general, the fractional townships lying along the right bank of the Arkansas River, within our work, are much broken, with little low bottom-land and not much timber. The slopes of the hills are generally too abrupt for cultivation, and are additionally unfitted by frequent outcropping ledges of limestone rocks. This common character extends to from six to eight miles from the river, beyond which the slopes become more gentle, with less outcropping stone and deeper soil.

The valley of the Shakaska River, with the country drained by its tributaries, is exceedingly rich, and the shape of the surface almost perfection. It is quite well supplied with timber of good quality, principally burr and post oak, pecan, hackberry, walnut, and cottonwood. In range 2 east, a stream runs south through townships 23, 27, 26, and 25 north, called Bodoc. The country drained by it is fine, and along the stream there is a fair supply of valuable timber. Probably 90 per cent. of the country drained by the Shakaska River and Bodoc Creek is prairie.

The country between the Salt Fork of the Arkansas River and Red Rock Creek, east of the road which runs southwest from Arkansas City to Fort Sill, and west of range 2 east, is quite similar to the valley of the Shakaska, but not so well supplied with timber. In township 24 north, range 1 east, the country is more rolling, with occasional outcropping sandstone.

The country between Red Rock Creek and Black Bear Creek is quite rolling; somewhat too much so. The quality of the soil is not quite so good as that north of Red Rock. The supply of timber is better; probably 10 per cent. of the land is forest.

From the west side of townships 22 and 23 north, range 1 west, going east, the country becomes somewhat broken by occasional ledges of sandstone. The Pawnee lands are quite rolling, abundantly timbered, and well watered. There are many varieties of fine building-stone, easily accessible, in all sections. Portions are rough and rocky, and unsuitable for cultivation.

The country east of the Pawnee lands, lying in the fork of the Arkansas and Cim-



arron Rivers, is quite hilly and rocky; much of it of very little value. It is well watered and timbered; probably 30 per cent. of the country is forest.

West of range 4 east, as far as and including range 3 west, the country between Black Bear Creek and the south boundary of the Cherokee lands is generally of inferior character. It is moderately well supplied with water, timber, and stone, and is better adapted to stock-raising than general farming. Some portions near the Indian meridian are quite broken.

The country drained by Hackberry and Skeleton Creeks is principally of fair quality, smooth surface, with very little timber or stone of value. Much of the land is moderately well adapted to general farming. The country about the heads of Black Bear and Red Rock Creeks, and that drained by Nine-Mile and Sand Creeks, is almost wholly devoid of timber and stone. The surface is smooth and gently rolling, with some sand-hills about the heads of Sand and Skeleton Creeks. The soil is generally of second or third rate.

There is but little timber on the south bank of the Salt Fork of the Arkansas River. There is generally a narrow strip of timber along the north bank, chiefly cottonwood.

The country between the Shakaska Valley and Osage Creek is gently rolling, with fair quality of soil. It is scantily supplied with timber, except within six or eight miles of the Salt Fork of the Arkansas. The country is fairly watered, and moderately well adapted to general farming.

West of Osage Creek, as far as and including the townships of range 8 west, the country north of the Salt Fork of the Arkansas is comparatively poor, and almost wholly devoid of timber.

It is our opinion that the country within from six to eight miles of the Arkansas River is well and best adapted to stock-raising. While generally too rough for cultivation, the soil is good, and the growth of grass good.

Judging by the success of the people of Sumner and Cowley Counties, Kansas, in raising wheat, it can scarcely be questioned that the country from and including the townships of range 4 west, to within six or eight miles of the Arkansas River, and extending south from Kansas to Black Bear Creek, being very similar in character to the adjoining lands in Kansas, is well adapted to the growth of wheat.

Doubtless stock-raising might be carried on successfully in any part of the country east of the Abilene cattle-trail. Cattle have frequently been wintered in this country without the use of prepared food.

It is our impression that the country we have thus far examined is healthful. The drainage is everywhere good. The low valley-lands, especially of those running from west to east, as those of the Black Bear and Red Black Creeks, are probably somewhat malarious, and we would regard it as important to the health of Indians located on these lands that their dwellings should be located on the highlands.

In valuing these lands, it is our impression that the chief difficulty consists in determining the amount of allowance which ought to be made in view of "the fact that these lands are for Indian occupancy and settlement only, and consequently less valuable than lands open to white settlement." We have devoted our attention carefully to the consideration of this subject. Our conclusion is, that in view of this restriction placed upon their use, these lands are worth about one-half as much as they would be if open to settlement by white people. As far as made, our appraisal is, in our judgment, in conformity with that opinion.

The detailed statement of prices fixed upon the lands thus far examined and appraised will be found in the schedules entitled "Description and valuation of Cherokee lands in the Indian Territory," &c., which will be forwarded with this report.

Having applied for and received permission to adjourn after inspecting the lands east of the Abilene cattle-trail until about the first of September, on the 21st of June we left the Indian Territory near Caldwell, Kans., and proceeded to Wichita, Kans., which point we reached on Saturday, the 23d.

In consequence of the fact that the private affairs of Mr. Kennard seemed to him to render it extremely doubtful whether it would be possible for him to continue to serve as a member of the commission, it was determined to meet at Paola, Kans., on the 14th of August for the purpose of preparing a report of the work of the commission as far as it had proceeded. In accordance with this, the commission adjourned at Wichita, Kans., on June 25, and reassembled at Paola, Kans., on August 14.

After the foregoing had been prepared it was determined to adjourn to meet at Wichita, Kans., on September 15, in order to resume work in the Indian Territory.

The commission then adjourned on August 23.

Very respectfully,

THOM. P. KENNARD,  
EBENEZER H. TOPPING,  
THOMAS E. SMITH,  
Commissioners.

Hon. J. Q. SMITH, *Commissioner of Indian Affairs, Washington, D. C.*

PAOLA, KANS., *December 12, 1877.*

SIR: The commissioners appointed to appraise the Cherokee lands in the Indian Territory have the honor to submit the following additional report:

Messrs. E. H. Topping and T. E. Smith met at Wichita, Kans., on Monday morning, September 17, 1877, and were informed by Mr. William N. Wilkerson, of Cass County, Missouri, that he had been appointed a member of the commission in place of Mr. Thomas P. Kennard, who had resigned. Mr. Wilkerson then took the required oath and was elected president of the commission.

At the same time Lieutenant Cushman of the Sixteenth Infantry reported to the commissioners that he was present with a detachment of ten men, and instructed to accompany the commissioners as an escort.

Our departure from Wichita was delayed until the afternoon of Thursday, September 20, awaiting the arrival of Lieutenant Cushman's wagon and team. We then left Wichita, via Wellington and Caldwell, for the Indian Territory. For a detailed account of the movements of the commission, your attention is invited to the journal of the commission.

It was manifest that the limits of the appropriation would be reached long before it would be possible to complete a personal inspection of each township; hence it was determined to pursue such a route as would, to the best of our judgment, give us the most general knowledge of the whole body of the land remaining to be appraised, within the limit of time which it was supposed might be devoted to the business of inspection, and which was supposed not to exceed six weeks.

It was determined to move west, as near as might be found practicable, through the middle of the northern half of the lands, to near the head of Buffalo Creek; thence south through Camp Supply and up Wolf Creek, to near the middle of the southern half of the lands; thence east to the Abilene cattle-trail.

It was expected that many deviations from a straight course would be found unavoidable, in order to secure wood and water, but the difficulties encountered in this respect were much greater than was anticipated. Notwithstanding we provided for carrying a small supply of water, we were frequently forced to limit our movements in consequence of the uncertainty of finding water fit for use.

In general, however, the route agreed upon was followed, but the time necessarily occupied in finding a practicable road and suitable camping places prevented us from making as many or extensive excursions to the right and left as we desired, and had expected to. Much of the traveling was over precipitous hills, or crossing streams whose beds were either full of quicksand or the more troublesome red clay abounding in much of the country, or through the sand-hills which line the larger streams to a greater or less extent. The many unavoidable hinderances met with rendered it necessary to move as constantly and as rapidly as possible, so that with the exception of occasional delays caused by stormy weather, and two or three times by the breaking of the wagons, we were constantly moving, and our observation of the country was in the main confined to that portion which was in sight of the zigzag route followed from camp to camp. Almost daily one or two of the commissioners made excursions of greater or less extent to the right or left of the route followed by the wagons and escort.

While necessity compelled us to pursue a course which leaves us in some doubt respecting the character of some portions of the Cherokee lands west of the cattle-trail, it is our belief that our opportunities for judging of the great mass of those lands were sufficient to enable us to place a fair average valuation upon them, and it is our further belief, with the information we have derived from a careful examination of the plats of the townships, and field-notes of the surveys, most remote from our line of observation, that we cannot be greatly wrong as to the character of any considerable number of townships.

The reasons by which the commissioners were governed in the valuation of the Cherokee lands while Mr. Kennard was a member of the commission have been carefully reconsidered and approved.

The lands in the townships of range 9 west and lying north of the Salt Fork of the Arkansas River are composed chiefly of sand-hills and flat, marshy plains. The timber is chiefly cottonwood along the streams, and scattering black oak among the hills; none of it of much value except for fuel. The country is tolerably well watered. The soil is poor and the land of little value except for grazing purposes.

The country lying west of range 9 west, and north of the Salt Fork of the Arkansas River, is generally smoothly rolling prairie of good soil. It is probably well adapted to wheat. It produces a good growth of nutritious grasses. There is some timber, principally cottonwood and elm, chiefly on Medicine-Lodge Creek and Mule Creek. The water is almost all what is called by the people of the adjoining country in Kansas alkali, or gypsum water, and is generally disagreeable to those who are unaccustomed to it, and to some it is very offensive and perhaps injurious. Whether water of this character is wholesome for stock may be a question of importance in the ulti-

mate determination of the comparative value of much of the Cherokee lands west of the Abilene cattle-trail.

The country west of range 6 west, south of the Salt Fork of the Arkansas River, which is drained by that stream, is quite similar in general character to that north of the river and west of range 9 west, except that it is almost wholly devoid of timber. The surface is smoothly rolling. The soil is of good average quality. It is not as well watered as the country on the north side of the river. It is probably adapted to wheat, and produces good crops of the indigenous grasses. It is probably well adapted to stock-raising.

The country drained by Eagle Chief Creek is quite similar in the general character of the soil to that north of it on the Salt Fork of the Arkansas. The surface is more rolling, but well adapted to tillage. There is little, if any, stone of value. There is a scanty growth of timber, principally cottonwood, along the creek and some of its larger tributaries. The country is probably well adapted to stock-raising.

The lands north of the Cimarron River and west of range 15 west are chiefly high, rolling hills, too abrupt for cultivation. There is some timber along the numerous small streams of this section, but of little value except for fuel. Along the north side of the Cimarron River there is generally a range of sand-hills, varying in width from a few hundred yards to three or four miles. The most recently formed of these hills are entirely bare of vegetation, while the greater portion are covered with a scanty growth of grass and scrubby timber of little value. The sand-hill country is of no value except for pasturage.

The water of this section is almost all bad, whether to such a degree as to materially affect its value for stock-raising we have no means of determining. Otherwise the country is tolerably well adapted to the business.

The country west of the Cimarron River and north of the 6th standard parallel is generally high rolling prairie, almost wholly devoid of timber. There is a little cottonwood and scrubby elm timber in the valleys of some of the small creeks; also some cedar in the deep gorges at the heads of the streams near the dividing ridge between the Cimarron River and the North Fork of the Canadian and Beaver Creek; but the total amount of timber is insignificant in proportion to the extent of the country. The soil of this section of the country is generally second or third rate. Much of the country—probably not less than half of it—is too rough or rolling for profitable tillage and the adaptation of the tillable portion to any of the chief cultivated crops of the West is, in our judgment, doubtful.

The growth of grass is not heavy, but it is, no doubt, very nutritious, and the country is well adapted to grazing purposes, unless the supply of water is insufficient or its character unsuitable. The water of this section is nearly all of the kind called gypsum or alkali water.

The country is generally underlaid by beds of gypsum, some of which are 10 or 12 feet thick. Springs are very rare, and the water of the streams not permanent. The adaptation of this section of the country to the use, for grazing purposes, of a permanently-settled people, owning the land in small bodies, is, in our opinion, rendered extremely doubtful by the uncertainty connected with the supply of water and its fitness for use. As an open or free range for stock, the grass might be utilized by taking advantage of favorable seasons, and driving to other sections in times of drought.

The country south of the 6th standard parallel, which is drained by the North Fork of the Canadian River and its tributaries, is generally smooth, rolling prairie. The supply of timber is scanty and of but little value except for fuel. There is some stone of poor quality. The soil is much of it sandy, and generally second or third rate. Along Wolf Creek, chiefly on the east side and the north side of the North Fork of the Canadian River, there are sand-hills extending back from one to four or five miles. The water of this section of the country is generally good, and the supply probably sufficient to render the country, in that respect, fairly well adapted to stock-raising. Much of the country, probably 30 per cent., is too sandy for cultivation, and the adaptation of any considerable portion of it to profitable tillage we regard as improbable. The growth of grass is good, and the land generally well adapted to stock-raising.

The country south of the 6th standard parallel and the Cimarron River, which is drained by that stream, is chiefly exceedingly broken prairie. There is some good tillable valley-land along the Cimarron and the larger creeks, but west of Glass Mountain probably not more than 20 per cent. of the land is plowable. About the heads of the creeks there is some good timber, and in the gorges generally there is a good deal of cedar.

There is little stone of value. Beds of gypsum, from 6 to 10 feet thick, crop out near the hill-tops. The water of this section is very similar to that of the country to the northwest which has been spoken of, and we think the same remarks are applicable with reference to the suitableness of the country to stock-raising.

The country east of the Cimarron River and the valley of Eagle Chief Creek, and west of range 6 west, which is drained by the Cimarron, consists of sand-hills, more or

less covered with scrubby oak and a thin growth of grass, and open, level or gently-rolling prairie of second or third rate soil. The region of sand-hills lies along the river and extending back from 3 to 6 or 7 miles. This section of the country is moderately well watered. No stone was seen. The timber is of but little value except for fuel. Some portions of the land on Turkey Creek, and about the heads of the small creeks between Turkey Creek and Eagle Chief Creek, are probably fairly adapted to general farming purposes.

It may not be superfluous to state the substance of our observations of the game of the country traversed. We saw two or three hundred buffalo in the valley of Eagle Chief Creek, and about as many more between Eagle Chief Creek and the Cimarron River. In the valley of Buffalo Creek we saw probably from eight to twelve thousand buffalo; in the valley of the North Fork of the Canadian, one thousand, probably. There are considerable numbers of deer and turkeys, chiefly in the sand-hills and along the most heavily-timbered streams. As furnishing a permanent supply of food and other necessities of even savage life to any considerable number of people, the game of the country seems to us worthy of very little consideration.

As a whole we regard the country referred to in this portion of our report as chiefly valuable for stock-raising. Some portions of it we believe to be adapted to wheat, and we have little doubt that, with experience, a considerable portion of the country will be found adapted to other profitable crops.

On Sunday, November 4, we reached the Abilene cattle-trail and stage-road, near the stage station on Skeleton Creek, and started for Wichita, Kans., which place we reached on November 9. Mr. Smith having received intelligence of the severe illness of one of his family, it was decided to adjourn to meet in Paola, Kans., on Monday, November 26, on which day the commission reassembled and began the preparation of this report.

In conclusion, we desire to state that, while seeking to use the money appropriated for the business in which we have been employed in the most rigidly economical manner, and to limit our expenditure to that amount, we have, in various ways, and from various causes, apparently to us unavoidable, exceeded it, which being unauthorized to do, no account is made of such excess.

The journal of the commission will be transmitted with the accounts of the disbursing agent, Mr. Topping.

For the detailed statement of prices fixed upon the lands appraised by us, your attention is invited to the schedules which are entitled "Description and Valuation of Cherokee Lands in Indian Territory," &c., which are forwarded herewith.

Very respectfully,

WILLIAM N. WILKERSON,  
EBENEZER H. TOPPING,  
THOMAS E. SMITH,  
*Commissioners.*

Hon. E. A. HAYT,  
*Commissioner of Indian Affairs, Washington, D. C.*

Description and valuation of Cherokee lands in Indian Territory lying west of 96° west longitude and west of the Osage lands appraised in 1877 under the provisions of the fifth section of an act of Congress approved May 29, 1872. (Stats. at Large, vol. 17, p. 190.)

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>	<i>East.</i>	<i>Acres.</i>	<i>Cents.</i>		
20.....	1	21,555.08	25	\$5,388 96½	
21.....	1	23,048.09	62½	14,405 05½	
22.....	1	23,013.70	75	17,260 27½	
23.....	1	23,018.79	62½	14,386 74½	
24.....	1	22,914.45	62½	14,321 53½	
25.....	1	22,517.94	87½	19,703 19½	
26.....	1	23,038.15	100	23,038 15	
27.....	1	22,988.61	75	17,241 45½	
28.....	1	23,002.93	87½	20,127 56½	
29.....	1	15,255.70	87½	13,348 73½	
		220,854.22		150,221 67½	
20.....	2	21,749.12	50	10,874 56	
21.....	2	23,021.34	75	17,266 00½	
22.....	2	23,049.27	75	17,286 95½	
23.....	2	22,945.91	75	17,209 43½	
24.....	2	22,443.43	62½	14,027 14½	
25.....	2	16,901.90	62½	10,563 68½	
26.....	2	21,553.14	62½	13,470 71½	
27.....	2	22,902.78	75	17,177 08½	
28.....	2	22,959.03	87½	20,069 15½	
29.....	2	15,284.49	87½	13,373 92½	
		212,810.41		151,338 65½	
20.....	3	21,800.27	75	16,350 20½	
21.....	3	23,025.09	62½	14,390 68½	
22.....	3	22,986.69	62½	14,366 68½	
23.....	3	14,098.84	62½	8,611 77½	
24.....	3	14,311.73	50	7,155 86½	
25.....	3	52.45	62½	32 78½	
26.....	3	20,239.15	37½	7,589 68½	
27.....	3	22,656.08	50	1,328 04	
28.....	3	17,355.71	62½	10,847 31½	
29.....	3	12,375.07	50	6,187 53½	
		166,901.08		97,060 56½	
20.....	4	21,947.18	75	16,460 38½	
21.....	4	22,985.04	62½	14,365 65	Pawnee.
22.....	4	22,964.52	62½	14,352 82½	Do.
23.....	4	16,214.98	50	8,107 49	Do.
24.....	4	1,017.10	75	762 82½	Do.
25.....	4	2,667.77	50	1,333 88½	
26.....	4	84.64	62½	52 90	
27.....	4	5,944.63	50	2,972 31½	
		2,669.96	37½	1,001 23½	
		96,495.82		59,409 51	
20.....	5	21,716.14	62½	13,572 58½	Pawnee.
21.....	5	23,026.80	62½	14,391 75	Do.
22.....	5	22,984.06	62½	14,365 03½	Do.
23.....	5	21,914.48	50	10,957 24	Do.
24.....	5	9,670.56	50	4,835 28	Do.
		99,312.04		58,121 89½	
20.....	6	21,810.38	62½	13,631 48½	Pawnee.
21.....	6	23,053.51	50	11,526 75½	Do.
22.....	6	22,017.76	75	16,513 82	Do.
23.....	6	638.71	62½	399 19½	Do.
		67,520.36		42,070 75½	
20.....	7	21,810.47	50	10,905 23½	
21.....	7	16,637.91	37½	6,239 21½	
22.....	7	7,486.10	50	3,743 05	
		45,934.48		20,887 50½	
20.....	8	21,943.48	37½	8,228 80½	
21.....	8	14,840.29	25	3,710 07½	
		36,783.77		11,938 87½	



Description and valuation of Cherokee lands in Indian Territory, &amp;c.—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>	<i>East.</i>	<i>Acres.</i>	<i>Cents.</i>		
20.....	9	17,508.43	12½	\$2,188 55½	
21.....	9	721.39	62½	450 86½	
		18,229.82		2,639 42½	
20.....	10	4,507.65	25	1,126 91½	
		4,507.65		1,126 91½	
	<i>West.</i>				
20.....	1	21,659.16	37½	8,122 18½	
21.....	1	22,956.55	62½	18,347 84½	
22.....	1	22,946.43	75	17,209 82½	
23.....	1	22,983.83	62½	14,364 89½	
24.....	1	23,078.05	75	17,308 53½	
25.....	1	22,290.41	75	16,717 80½	
26.....	1	23,007.60	87½	20,131 65	
27.....	1	22,939.48	100	22,939 48	
28.....	1	22,992.48	100	22,992 48	
29.....	1	15,203.63	87½	13,303 17½	
		220,057.62		167,437 87½	
20.....	2	21,614.09	62½	13,508 80½	
21.....	2	22,989.74	62½	14,368 58½	
22.....	2	22,830.95	75	17,123 21½	
23.....	2	22,952.43	75	17,214 32½	
24.....	2	23,051.11	87½	20,169 72½	
25.....	2	22,497.27	75	16,872 95½	
26.....	2	22,915.61	62½	14,322 25½	
27.....	2	22,927.92	87½	20,061 93	
28.....	2	22,899.48	87½	20,037 04½	
29.....	2	15,149.93	87½	13,256 18½	
		219,828.53		166,935 02½	
20.....	3	21,645.30	37½	8,116 98½	
21.....	3	22,955.11	62½	14,346 94½	
22.....	3	23,087.83	62½	14,429 89½	
23.....	3	23,029.62	75	17,272 21½	
24.....	3	23,099.37	87½	20,211 94½	
25.....	3	22,000.03	75	16,500 02½	
26.....	3	23,065.34	50	11,532 67	
27.....	3	23,040.77	62½	14,400 48½	
28.....	3	23,060.14	87½	20,177 62½	
29.....	3	15,103.15	75	11,327 36½	
		220,086 66		148,316 14½	
20.....	4	21,581.56	75	16,186 17	
21.....	4	22,990.58	62½	14,369 11½	
22.....	4	22,977.62	75	17,233 21½	
23.....	4	22,926.51	75	17,194 88½	
24.....	4	23,117.77	75	17,338 32½	
25.....	4	22,427.81	75	16,820 85½	
26.....	4	23,014.12	75	17,260 59	
27.....	4	23,078.12	75	17,308 59	
28.....	4	23,065.74	75	17,299 80½	
29.....	4	15,099.92	62½	9,437 45	
		220,279.75		160,448 50	
20.....	5	21,315.67	75	15,986 75½	
21.....	5	22,933.93	62½	14,333 70½	
22.....	5	23,059.22	62½	14,412 01½	
23.....	5	22,979.70	62½	14,362 31½	
24.....	5	23,095.78	62½	14,433 61½	
25.....	5	22,071.78	50	11,035 89	
26.....	5	22,911.77	75	17,183 82½	
27.....	5	22,856.82	62½	14,285 51½	
28.....	5	22,884.87	75	17,163 65½	
29.....	5	15,089.92	62½	9,431 20	
		219,197.46		142,628 47½	
20.....	6	21,490.07	62½	13,431 29½	
21.....	6	22,958.84	62½	14,349 27½	
22.....	6	22,967.54	50	11,483 77	
23.....	6	22,919.99	62½	14,324 99½	

## Description and valuation of Cherokee lands in Indian Territory, &amp;c.—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>	<i>West.</i>	<i>Acres.</i>	<i>Cents.</i>		
24.....	6	22,769.58	37½	\$8,538 59½	
25.....	6	22,851.13	37½	8,569 17½	
26.....	6	21,932.11	37½	8,224 54½	
27.....	6	23,123.57	37½	8,671 33½	
28.....	6	23,183.67	37½	8,693 87½	
29.....	6	15,108.14	50	7,554 07	
		219,304.64		103,840 92½	
20.....	7	13,566.06	50	6,783 03	East of 98° meridian.
21.....	7	14,364.15	50	7,182 07½	
22.....	7	14,372.49	25	3,593 12½	
23.....	7	14,282.29	25	3,570 57½	
24.....	7	14,395.97	25	3,598 99½	
25.....	7	13,523.20	37½	5,071 20	
26.....	7	12,902.72	37½	4,838 52	
27.....	7	13,394.60	25	3,348 65	
28.....	7	13,529.23	25	3,382 30½	
29.....	7	8,680.31	25	2,170 07½	
		133,011.02		43,538 54½	
20.....	7	7,686.79	50	3,993 39½	West of 98° meridian.
21.....	7	8,662.33	50	4,331 16½	
22.....	7	8,617.23	25	2,154 30½	
23.....	7	8,524.68	25	2,131 17	
24.....	7	8,468.91	25	2,117 22½	
25.....	7	9,527.52	37½	3,572 82	
26.....	7	9,180.68	37½	3,442 75½	
27.....	7	9,575.41	25	2,393 85½	
28.....	7	9,429.37	25	2,357 34½	
29.....	7	6,334.57	25	1,588 64½	
		86,307.49		28,077 67½	
20.....	8	21,295.52	37½	7,985 82	
21.....	8	23,046.80	25	5,761 70	
22.....	8	22,990.11	37½	8,621 29½	
23.....	8	23,000.52	37½	8,625 19½	
24.....	8	22,883.74	37½	8,581 40½	
25.....	8	23,035.88	50	11,517 94	
26.....	8	21,626.61	25	5,406 65½	
27.....	8	23,040.80	25	5,760 20	
28.....	8	23,024.95	25	5,756 23½	
29.....	8	14,919.13	25	3,729 78½	
		218,864.06		71,746 22½	
20.....	9	21,236.70	25	5,309 17½	
21.....	9	23,065.89	25	5,766 47½	
22.....	9	23,052.65	37½	8,644 74½	
23.....	9	23,014.26	37½	8,630 34½	
24.....	9	23,037.39	37½	8,639 02½	
25.....	9	22,917.56	50	11,458 78	
26.....	9	21,947.89	25	5,486 97½	
27.....	9	22,335.89	25	5,583 97½	
28.....	9	22,902.14	12½	2,862 76½	
29.....	9	14,768.44	12½	1,846 05½	
		218,278.81		64,228 30½	
20.....	10	19,285.95	25	4,821 48½	
21.....	10	21,489.71	25	5,372 42½	
22.....	10	22,921.66	37½	8,595 62½	
23.....	10	22,948.56	37½	8,605 71	
24.....	10	22,955.57	37½	8,605 33½	
25.....	10	22,966.08	50	11,483 04	
26.....	10	22,900.04	12½	2,862 50½	
27.....	10	22,066.18	25	5,516 54½	
28.....	10	22,745.33	50	11,372 66½	
29.....	10	14,719.92	37½	5,519 97	
		214,999.00		72,758 31½	
20.....	11	21,390.22	37½	8,021 33½	
21.....	11	21,080.55	25	5,270 13½	
22.....	11	23,046.22	25	5,761 55½	
23.....	11	23,044.14	37½	8,641 55½	

Description and valuation of Cherokee lands in Indian Territory, &amp;c.—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>	<i>West.</i>	<i>Acres.</i>	<i>Cents.</i>		
24.....	11	23, 136. 25	37½	\$8, 676 09½	
25.....	11	23, 059. 99	50	11, 529 99½	
26.....	11	23, 042. 04	50	11, 521 02	
27.....	11	22, 971. 51	37½	8, 614 31½	
28.....	11	22, 953. 33	50	11, 476 66½	
29.....	11	14, 755. 29	50	7, 377 64	
		218, 479. 54		86, 890 31½	
20.....	12	21, 453. 23	37½	8, 044 06½	
21.....	12	22, 882. 63	37½	8, 580 98½	
22.....	12	20, 268. 56	25	5, 067 14	
23.....	12	22, 948. 55	37½	8, 605 70½	
24.....	12	23, 058. 52	50	11, 529 26	
25.....	12	23, 047. 72	50	11, 523 86	
26.....	12	23, 055. 14	50	11, 527 57	
27.....	12	23, 061. 50	37½	8, 648 06½	
28.....	12	22, 981. 08	50	11, 490 54	
29.....	12	14, 906. 89	50	7, 453 44½	
		217, 663. 82		92, 471 53½	
20.....	13	21, 582. 12	25	5, 395 53	
21.....	13	22, 987. 51	25	5, 746 87½	
22.....	13	20, 865. 62	12½	2, 608 20½	
23.....	13	22, 781. 15	25	5, 695 28½	
24.....	13	22, 955. 09	37½	8, 608 15½	
25.....	13	22, 996. 54	50	11, 498 27	
26.....	13	22, 969. 65	50	11, 484 82½	
27.....	13	22, 925. 36	37½	8, 597 01	
28.....	13	22, 923. 63	50	11, 461 81½	
29.....	13	14, 870. 69	50	7, 435 34½	
		217, 857. 36		78, 531 32½	
20.....	14	21, 810. 90	12½	2, 726 36½	
21.....	14	23, 039. 71	12½	2, 879 96½	
22.....	14	21, 208. 32	12½	2, 651 04	
23.....	14	21, 494. 59	25	5, 373 64½	
24.....	14	23, 171. 15	37½	8, 689 18½	
25.....	14	22, 990. 27	37½	8, 621 35½	
26.....	14	22, 905. 45	37½	8, 589 54½	
27.....	14	22, 925. 08	37½	8, 596 90½	
28.....	14	22, 981. 44	37½	8, 618 04	
29.....	14	14, 948. 54	50	7, 474 27	
		217, 475 45		64, 220 30½	
20.....	15	22, 416. 11	25	5, 604 02½	
21.....	15	22, 961. 16	12½	2, 870 14½	
22.....	15	22, 952. 65	12½	2, 869 08½	
23.....	15	19, 308. 93	25	4, 827 23½	
24.....	15	22, 988. 90	25	5, 747 22½	
25.....	15	23, 034. 03	37½	8, 637 76½	
26.....	15	22, 986. 44	25	5, 746 61	
27.....	15	22, 968. 97	37½	8, 613 36½	
28.....	15	22, 990. 57	37½	8, 621 46½	
29.....	15	15, 034. 24	37½	5, 637 84	
		217, 642 00		59, 174 75	
20.....	16	22, 309. 44	25	5, 577 36	
21.....	16	23, 104. 49	25	5, 776 12½	
22.....	16	23, 058. 11	12½	2, 882 26½	
23.....	16	23, 026. 87	25	5, 756 71½	
24.....	16	18, 909. 62	25	4, 727 40½	
25.....	16	22, 677. 66	25	5, 669 41½	
26.....	16	22, 938. 44	25	5, 734 61	
27.....	16	22, 919. 71	25	5, 729 92½	
28.....	16	22, 945. 72	12½	2, 868 21½	
29.....	16	14, 999. 87	25	3, 749 96½	
		216, 889. 93		48, 472 00½	
20.....	17	21, 926. 69	25	5, 481 67½	
21.....	17	22, 990. 63	25	5, 747 65½	
22.....	17	23, 050. 65	12½	2, 881 33½	

Description and valuation of Cherokee lands in Indian Territory, &amp;c.—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>		<i>West.</i>	<i>Acres.</i>	<i>Cents.</i>	
23.....	17	22,970.46	12½	\$2,871 30½	
24.....	17	23,094.76	25	5,773 69	
25.....	17	20,534.44	25	5,133 61	
26.....	17	21,391.28	25	5,347 82	
27.....	17	23,135.10	25	5,783 77½	
28.....	17	23,124.71	25	5,781 17½	
29.....	17	14,941.84	25	3,735 46	
		217,160.56		48,537 50½	
20.....	18	22,254.21	37½	8,345 32½	
21.....	18	22,331.72	25	5,582 93	
22.....	18	23,059.99	25	5,764 99½	
23.....	18	22,955.94	25	5,738 98½	
24.....	18	23,252.59	25	5,813 14½	
25.....	18	23,002.54	25	5,750 63½	
26.....	18	21,556.39	25	5,389 09½	
27.....	18	21,558.41	25	5,389 60½	
28.....	18	23,058.63	25	5,764 65½	
29.....	18	14,882.99	25	3,720 74½	
		217,913.41		57,260 12½	
20.....	19	22,005.18	25	5,501 29½	
21.....	19	22,886.85	25	5,721 71½	
22.....	19	22,486.56	37½	8,432 46	
23.....	19	22,856.83	25	5,714 20½	
24.....	19	23,166.54	25	5,791 63½	
25.....	19	23,073.72	25	5,768 48	
26.....	19	23,009.32	25	5,752 33	
27.....	19	18,883.08	25	4,723 27	
28.....	19	23,091.65	25	5,772 91½	
29.....	19	14,837.65	25	3,709 41½	
		216,307.38		56,887 66½	
20.....	20	21,851.33	25	5,462 83½	
21.....	20	23,027.32	25	5,756 83	
22.....	20	23,000.36	37½	8,025 13½	
23.....	20	22,977.56	25	5,744 39	
24.....	20	23,191.30	25	5,797 82½	
25.....	20	23,074.50	25	5,768 62½	
26.....	20	23,034.74	25	5,758 68½	
27.....	20	21,037.52	25	5,259 38	
28.....	20	21,243.04	25	5,310 76	
29.....	20	14,565.71	25	3,641 42½	
		217,003.38		57,125 89	
20.....	21	21,721.02	25	5,430 25½	
21.....	21	23,002.42	25	5,750 60½	
22.....	21	22,983.45	25	5,745 86½	
23.....	21	22,981.37	25	5,740 34½	
24.....	21	23,134.28	12½	2,891 78½	
25.....	21	23,080.16	12½	2,885 02½	
26.....	21	23,176.65	37½	8,091 24½	
27.....	21	23,116.04	37½	8,668 51½	
28.....	21	22,623.27	25	5,655 81½	
29.....	21	13,178.97	25	3,294 74½	
		218,997.63		54,759 18½	
20.....	22	21,694.82	25	5,423 70½	
21.....	22	23,003.44	25	5,750 86	
22.....	22	22,987.73	25	5,746 93½	
23.....	22	23,032.32	25	5,758 08	
24.....	22	23,063.25	25	5,765 81½	
25.....	22	23,033.84	12½	2,879 23	
26.....	22	23,062.76	25	5,765 69	
27.....	22	22,953.84	37½	8,607 69	
28.....	22	22,959.12	25	5,739 78	
29.....	22	14,982.62	25	3,745 68	
		220,773.84		55,183 46	
20.....	23	21,695.80	25	5,423 95	
21.....	23	23,017.85	25	5,754 46½	
22.....	23	23,003.25	37½	8,626 21½	

Description and valuation of Cherokee lands in Indian Territory, &c.—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>		<i>Acres.</i>	<i>Cents.</i>		
23.....	West 23	22,978.67	25	\$5,744 66½	
24.....	23	22,765.46	25	5,691 36½	
25.....	23	22,996.90	12½	2,874 61½	
26.....	23	23,052.15	12½	3,881 51½	
27.....	23	22,951.84	25	5,737 96	
28.....	23	22,894.00	25	5,723 50	
29.....	23	15,037.74	25	3,759 43½	
		220,393.66		52,217 69	
20.....	24	21,662.23	25	5,415 55½	
21.....	24	23,023.64	25	5,755 91	
22.....	24	22,998.77	25	5,749 69½	
23.....	24	22,956.30	25	5,739 07½	
24.....	24	22,697.87	25	5,671 96½	
25.....	24	23,038.10	25	5,759 52½	
26.....	24	23,116.58	12½	2,889 57½	
27.....	24	23,116.42	12½	2,889 55½	
28.....	24	23,041.70	12½	2,880 21½	
29.....	24	15,178.67	25	3,794 66½	
		220,820.28		46,545 73½	
20.....	25	21,779.11	25	5,444 77½	
21.....	25	23,030.27	25	5,757 56½	
22.....	25	23,008.86	25	5,752 21½	
23.....	25	22,958.40	25	5,739 60	
24.....	25	22,635.81	25	5,658 95½	
25.....	25	23,003.76	25	5,750 94	
26.....	25	22,984.12	25	5,746 03	
27.....	25	23,000.36	12½	2,875 04½	
28.....	25	23,015.32	12½	2,876 91½	
29.....	25	14,734.60	25	3,683 65	
		220,150.61		49,285 69½	
20.....	26	17,563.30	25	4,390 82½	
21.....	26	16,255.04	25	4,063 76	
22.....	26	16,108.01	25	4,027 00½	
23.....	26	16,001.40	25	4,000 35	
24.....	26	15,757.42	25	3,939 35½	
25.....	26	12,486.85	25	3,121 71½	
26.....	26	12,553.05	25	3,138 26½	
27.....	26	12,548.88	12½	1,568 61	
28.....	26	12,462.92	12½	1,557 86½	
29.....	26	6,245.64	12½	780 70½	
		137,982.51		30,588 44½	

RECAPITULATION.

20 to 29.....	1 E.	220,354.22	\$159,221 67½	
20 to 29.....	2 E.	212,810.41	151,338 65½	
20 to 29.....	3 E.	168,901.08	97,060 56½	
20 to 27.....	4 E.	96,495.82	59,409 51	
20 to 24.....	5 E.	99,312.04	58,121 89½	
20 to 23.....	6 E.	67,520.36	42,070 75½	
20 to 22.....	7 E.	46,934.48	20,887 50½	
20 to 21.....	8 E.	36,783.77	11,968 87½	
20 to 21.....	9 E.	18,229.82	2,639 42½	
20.....	10 E.	4,507.65	1,126 91½	
20 to 29.....	1 W.	220,057.62	167,487 87½	
20 to 29.....	2 W.	219,828.53	166,935 02½	
20 to 29.....	3 W.	220,086.66	148,316 14½	
20 to 29.....	4 W.	220,279.75	160,448 50	
20 to 29.....	5 W.	219,197.46	142,628 47½	
20 to 29.....	6 W.	219,304.64	103,840 92½	
20 to 29.....	7 W.	133,011.02	43,538 54½	
20 to 29.....	7 W.	86,307.49	28,077 67½	
20 to 29.....	8 W.	218,864.06	71,746 22½	
20 to 29.....	9 W.	218,278.81	64,228 30½	
20 to 29.....	10 W.	214,999.00	72,758 31½	
20 to 29.....	11 W.	218,479.54	86,890 31½	
20 to 29.....	12 W.	217,663.82	92,471 53½	
20 to 29.....	13 W.	217,857.36	78,531 82½	

East of 98° meridian.

West of 98° meridian.



*Description and valuation of Cherokee lands in Indian Territory, &c.—Continued.*

RECAPITULATION—Continued.

Description.		Area.	Value per acre.	Total value.	Remarks.
Township.	Range.				
<i>North.</i>		<i>Acres.</i>	<i>Cents.</i>		
20 to 29 .....	14 W.	217, 475. 45	.....	\$64, 220 30½	
20 to 29 .....	15 W.	217, 642. 00	.....	59, 174 75	
20 to 29 .....	16 W.	216, 889. 93	.....	48, 472 00½	
20 to 29 .....	17 W.	217, 160. 56	.....	48, 537 50½	
20 to 29 .....	18 W.	217, 913. 41	.....	57, 260 12½	
20 to 29 .....	19 W.	216, 307. 38	.....	56, 887 66½	
20 to 29 .....	20 W.	217, 003. 38	.....	57, 425 89	
20 to 29 .....	21 W.	218, 997. 63	.....	54, 759 18½	
20 to 29 .....	22 W.	220, 773. 84	.....	55, 183 46	
20 to 29 .....	23 W.	220, 393. 66	.....	52, 217 69	
20 to 29 .....	24 W.	220, 820. 28	.....	46, 545 73½	
20 to 29 .....	25 W.	220, 150. 61	.....	40, 285 69½	
20 to 29 .....	26 W.	137, 982. 51	.....	30, 588 44½	
Total .....		6, 574, 576. 95		2, 711, 923 40½	
Average value per acre .....				41½	

[House Ex. Doc. No. 43, Forty-second Congress, third session.]

*Letter from the Acting Secretary of the Interior, relative to the Southern Cheyennes and Arapahoes, for the release of land ceded to them by second article of treaty of 28th October, 1867.*

DECEMBER 19, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., December 16, 1872.

SIR: I transmit herewith a copy of a communication dated the 12th instant, from the Commissioner of Indian Affairs, reporting the proceedings had under the fifth section of the act of Congress approved 29th May, 1872, authorizing the Secretary of the Interior to negotiate with Southern Cheyennes and Arapahoes for the release of lands ceded to them by second article of treaty of 28th October, 1867 (Statutes at Large, second session Forty-second Congress, p. 190).

An agreement made with the Arapahoes, in conformity with the requirements of the act above referred to, is inclosed, together with a draft of a joint resolution to confirm said agreement, which is respectfully commended to the favorable consideration of Congress.

Should Congress approve this adjustment with the Arapahoes, negotiations with the Cheyennes will be entered into for their relinquishment of the reservation set apart for them under the treaty of 1867, with a view to locating said tribe in the Indian Territory.

I have the honor to be, very respectfully, your obedient servant,

B. R. COWEN,  
Acting Secretary.

HON. JAS. G. BLAINE,  
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,  
Washington, D. C., December 12, 1872.

SIR: By the fifth section of the act making appropriation for the Indian service for the year ending June 30, 1873, approved May 29, 1872 (Stats. at Large, vol. 17, p. 190), the Secretary of the Interior was authorized to negotiate with the Southern Cheyennes and Arapahoes for the relinquishment of their claim to the land ceded to them by the second article of the treaty of October 28, 1867 (Stats. at Large, vol. 15, p. 593), out of the cession made by the Cherokees in their treaty of July 19, 1866 (Stats. at Large, vol. 14, p. 799), such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for said Cheyennes and Arapahoes upon the lands ceded to the United States by the Creeks and Seminoles in the treaties of March 21 and June 14, 1866, pp. 755 and 785), and he was directed to report the action taken by him to Congress.

Negotiations to the end proposed were duly entered into with the Southern Cheyennes and Arapahoes, unitedly, but the Cheyennes were meanwhile frightened away from the place designated for them to meet the commission appointed to counsel with them, owing to the advance from the southwest of the troops under Colonel McKenzie in his expedition against the Comanches. In the course of such negotiations it became the view of this office that these tribes should no longer be associated in the occupation of a reservation. The Arapahoes are manifesting an increasing disinclination to follow further the fortunes of the Cheyennes, and crave a location of their own. Inasmuch as the conduct of the Arapahoes is uniformly good, and their disposition to make industrial improvements very decided, it is thought that they should now be separated from the more turbulent Cheyennes and given a place where they may carry out their better intentions without interruption, and without the access of influences tending to draw their young men away to folly and mischief. With this view, a contract, made subject to the action of Congress, was entered into between the Commissioner of Indian Affairs and the delegation of the Arapahoe tribe which visited Washington during the present season (the delegation being fully empowered thereto by the tribe), by which the Arapahoes relinquished all their interest in the reservation granted them by the treaty of 1867, in consideration of the grant of a reservation between the North Fork of the Canadian River and the Red Fork of the Arkansas River, and extending from a point ten miles east of the ninety-eighth to near the ninety-ninth meridian of west longitude. There can be no question, I think, that the arrangements will be equally for the advantage of the Government and of the Indians. I therefore respectfully submit herewith the contract in question, and recommend that the same be laid before Congress, and the necessary legislation requested to carry into effect its provisions.

Should this adjustment of the question, so far as the Arapahoes are concerned, meet the approval of Congress, negotiations will be entered into with the Cheyennes with a view to obtaining their relinquishment of the reservation of 1867, and their location on some vacant tract within the same general section of the Indian Territory.

Very respectfully, your obedient servant,

F. A. WALKER,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

#### ARTICLES OF AGREEMENT WITH THE CHIEFS AND HEADMEN REPRESENTING ARAPAHOE INDIANS.

Articles of agreement made and concluded this twenty-fourth day of October, A. D. 1872, at Washington, D. C., by and between the United States of America, represented by Francis A. Walker, Commissioner of Indian Affairs, of the one part, and the Arapahoe tribe of Indians, represented by the undersigned, their chiefs and head-men, duly authorized and empowered to act for the tribe, of the other part, witnesseth:

Article first. The said Arapaho tribe of Indians hereby cede and relinquish to the United States all right, title, and interest in and to the reservation, or to any part thereof, set apart for the said Arapahoes and for the Cheyennes by the second article of the treaty concluded October 28, 1867, at Medicine Lodge Creek, in the State of Kansas, described as follows, viz: Commencing at the point where the Arkansas River crosses the 37th parallel of north latitude; thence west, on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River (sometimes called the Red Fork of the Arkansas River); thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning.

Article second. In consideration of the cession and relinquishment embraced in the foregoing article, it is agreed that there shall be set apart for a reservation for the said Arapaho tribe of Indians, as long as they shall occupy and use the same, a tract of country bounded as follows, to wit: Commencing at a point in the middle of the main channel of the North Fork of the Canadian River, ten miles east of the 98th meridian of west longitude, thence up the middle of the main channel of the said North Fork to a point where the present trail from the Upper Arkansas Indian agency, so called, to Camp Supply, crosses the said stream; thence due north to the middle of the main channel of the Red Fork of the Arkansas River; thence down the said river in the middle of the main channel thereof to a point in said channel ten miles east of the 98th meridian of west longitude; thence south to the place of beginning.

Article third. The said Arapahoes agree to receive among them upon the reservation provided for by the preceding article the Pacer band of Apaches (now confederated with the Kiowas and Comanches), and agree that the members of this band shall be entitled to all the rights and privileges with the members of the Arapaho tribe.

In testimony whereof the parties to this agreement hereunto subscribe their names and affix their seals, on the day and year first above written, October 24, 1872.

F. A. WALKER,  
*Party of the First Part.*

<sup>his</sup>  
BIG + MOUTH,  
mark.

<sup>his</sup>  
LEFT + HAND,  
mark.

<sup>his</sup>  
HEAP O' + BEARS,  
mark.

<sup>his</sup>  
WHITE + CROW,  
mark.

<sup>his</sup>  
YELLOW + HORSE,  
mark.

<sup>his</sup>  
BLACK + CROW,  
mark.

*Chiefs and Headmen representing Arapaho Tribe, Party of the Second Part.*

Witnesses:

HENRY E. ALVORD, *Special Commissioner.*

PHILIP MCCUSKER, *Interpreter.*

<sup>his</sup>  
JOHN + POISELL, *Interpreter.*  
mark.

A JOINT RESOLUTION to confirm an agreement made with the Arapaho tribe of Indians.

Whereas the Secretary of the Interior was authorized by the fifth section of the act of Congress making appropriations for the Indian service for the year ending June thirtieth, one thousand eight hundred and seventy-three, approved May twenty-ninth, one thousand eight hundred and seventy-two, to negotiate with the Southern Cheyennes and Arapaho tribe of Indians for the relinquishment of their claim to the land ceded to them by the second article of their treaty of October twenty-eighth, one thousand eight hundred and sixty-seven, such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for said Indians upon the lands ceded to the United States by the Creeks and Seminoles, in the treaties of March twenty-first and June fourteenth, one thousand eight hundred and sixty-six; and whereas negotiations to the end in view were accordingly had with the Arapaho tribe of Indians, and an agreement entered into the twenty-fourth day of October, one thousand eight hundred and seventy-two, on behalf of the United States, by Francis A. Walker, Commissioner of Indian Affairs, with Big Mouth, Left Hand, Heap o' Bears, White Crow, Yellow Horse, and Black Crow, chiefs and head-men representing the said Arapaho tribe of Indians, and fully empowered to act for their tribe; by which said tribe of Indians cede and relinquish to the United States all right, title, and interest in and to the reservation, or to any part thereof, set apart for the said Cheyenne and Arapaho Indians by the second article of the treaty concluded October twenty-eighth, one thousand eight hundred and sixty-seven, which reservation is described as follows, viz: commencing at the point where the Arkansas River crosses the thirty-seventh parallel of north latitude; thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River (sometimes called the Red Fork of the Arkansas River); thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning; and whereas, in consideration of such cession and relinquishment, it is provided in the said agreement that there shall be set apart for a reservation for the said Arapaho tribe of Indians, as long as they shall use and occupy the same, a tract of country bounded as follows, viz: commencing at a point in the middle of the main channel of the North Fork of the Canadian River, ten miles east of the ninety-eighth meridian of west longitude; thence up the middle of the main channel of the said North Fork to a point where the present trail from the Upper Arkansas Indian agency, so-called, to Camp Supply, crosses the said stream; thence due north to the middle of the main channel of the Red Fork of the Arkansas; thence down the said river, in the middle of the main channel thereof, to a point in said channel ten miles east of the ninety-eighth meridian of west longitude; thence south to the place of beginning, upon which the Arapahoes agree to receive among them the Pacer band of Apache Indians (now confederated with the

Kiowas and Comanches) and to grant to them all the rights and privileges with the members of the Arapaho tribe: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the aforesaid agreement be, and the same is hereby, confirmed and approved.

[S. 1668, Forty-seventh Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

April 10, 1882.

Mr. SAUNDERS (by request) asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and referred to the Committee on Indian Affairs:

A BILL for the relief of the Wichitas, Caddoes, and affiliated bands of Indians.

Whereas the Wichita Indians have never relinquished or surrendered, either willingly or legally, their right to and possession of the land lying between the ninety-sixth degree and thirtieth minute of west longitude on the east and the one hundredth meridian on the west, and between the Arkansas River on the north and the Red River on the south, which is conceded to have been the original home and hunting-grounds of said Indians before the purchase of said country by the United States from Spain; and

Whereas the United States from time to time have located other tribes of Indians in said country, without consulting with or obtaining the consent of the said Wichita Indians, and without paying said Wichita Indians for the lands thus taken and now occupied by the other tribes of Indians; and

Whereas the said Wichitas have sustained great loss and damage from the United States and from the citizens thereof, and from those tribes of Indians which have been located as aforesaid on said lands: Therefore, in consideration of the relinquishment by the said Wichita Indians of all their right to and interest in said lands, being estimated at forty millions of acres, more or less (except and not including such portion thereof as may be hereinafter set apart and guaranteed to said Wichita Indians and other tribes or bands affiliated with them), which relinquishment shall be considered and determined as made full and complete to the United States by said Indians when they, the said Wichitas, shall accept the provisions of this act, and for the purpose of making full payment to said Wichita Indians for said lands not before excepted, and to make said Indians full compensation for all losses and damages that said Indians may have sustained for which the United States could in any wise be considered responsible,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following-described land is hereby set apart for the Wichitas, Caddoes, and affiliated bands of Indians as their permanent reservation, for them to have and to hold for their use and benefit in common forever, and the same shall be secured to them by patent, to wit: Commencing in the main channel of the Wichita River where the ninety-eighth meridian crosses said river; thence north on said meridian line to the main channel of the Canadian River; thence up the main channel of said river to the one hundredth meridian; thence south on said meridian line to the main channel of the Red River; thence down the channel of said river to the mouth of the North Fork of the Red River; thence up the channel of said North Fork to the point where the boundary line of the north side of the Kiowa, Comanche, and Apache Reservation intersects the said North Fork, as per treaty with the Kiowa, Comanche, and Apache Indians of October second, eighteen hundred and sixty-seven; thence along said boundary line eastward to the place of beginning.

SEC. 2. That the sum of twenty million dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which sum shall be invested by the Secretary of the Interior in United States interest-bearing bonds, after deducting therefrom the sums which he, the Secretary of the Interior, may hereinafter be authorized and directed to expend, the remainder of which principal fund shall be held in trust by the said Secretary of the Interior for said Wichitas, Caddoes, and affiliated bands of Indians that are at this or may at some future time be affiliated with them by their consent, the interest of which shall be paid semi-annually to such person or persons as shall be authorized or appointed by said Indians, through their council, to receive the same.

SEC. 3. That to secure the expenditure of the proceeds of the aforesaid trust-fund in the future for the most beneficial purposes the Secretary of the Interior is author-

ized and directed to separate the principal fund into special funds; the proceeds of each of which shall be expended under the direction of the council as hereinafter provided:

First. The school fund, which shall consist of five million dollars, the interest of which shall be applied annually for the support of the schools and literary institutions which may be established for the education of said Indians.

Second. The orphan fund, which shall consist of two hundred and fifty thousand dollars, the interest of which shall be expended toward the support and education of such orphan or other children who are destitute of the means of subsistence.

Third. The hospital fund, which shall consist of five hundred thousand dollars, the interest of which shall be expended toward the support of a hospital for the disabled an infirm and for those who, by disease or otherwise, are unable to support themselves.

Fourth. The agricultural fund, which shall consist of one million dollars, the interest of which shall be expended, under such rules and regulations as the council may adopt, in the payment of premiums annually to Indians who have the best improved farms, who grow the largest yield and best farm products, who own the best live stock, who make the best articles of home manufacture, and for such other specific objects as will in the judgment of the council best promote industry and civilization among said Indians.

Fifth. The general fund, which shall consist of all the remainder of the said principal fund, the interest of which shall be expended frugally in promoting the welfare of said Indians by defraying the proper and needful expenses of the council, and in the purchase of food, grain, clothing, farming implements, and live stock for said Indians; and also a portion thereof may be paid to said Indians per capita in cash.

SEC. 4. That to provide for the present wants of said Indians the Secretary of the Interior is hereby authorized and directed to expend two hundred and fifty thousand dollars, as provided in section 2, in the purchase of stock-cattle for said Indians, which shall be distributed to the families thereof; also five thousand dollars in the purchase of farming implements, to be distributed in like manner; also one hundred thousand dollars, or so much thereof as may be necessary, for the erection and completion and properly furnishing of a boarding-school building, an orphan-home, a hospital, a council-house, shops, and other buildings of a public nature which said Indians may require in providing for their proper advancement in civilization, due regard being had to the future and present wants of said Indians in selecting the locations for said buildings and determining the size and material for construction.

SEC. 5. That the United States shall protect said Indians from foreign enemies and against interruptions and intrusions from citizens of the United States who may attempt to settle in their country; and all such persons shall be removed from the same by order of the President of the United States.

SEC. 6. That in no future time, without the consent of said Indians, shall any railroad be built through their country or their country be included within the corporate limits of any Territory or State, but said Indians shall be secured in the right, by their council, to make and execute all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to them, or to such persons as have connected themselves with said Indians by authority of their council.

SEC. 7. That in order to promote in the highest degree the speedy civilization of said Indians, and to secure as far as possible the true and beneficial application of the funds herein provided, the Secretary of the Interior shall make the expenditures by and through the United States agent of said Indians, until the public buildings are erected, the council properly organized, proper and useful laws made by the council, officers duly elected to execute the same, and the advancement of said Indians in education and in the arts of civilized life sufficient to qualify them, in the judgment of the Secretary of the Interior, to direct and manage their affairs as provided for in the preceding sections of this act.

SEC. 8. That the Secretary of the Interior shall submit this act to the Wichitas, Caddoes, and affiliated bands of Indians, as soon as practicable after its passage, for their consideration; and in case a majority of said Indians accept the same, then shall all the provisions of this act be in force, and the United States and the said Indians shall be bound thereby.





Antelope Hills  
Latitude & Longitude  
from  
Calculations  
By  
Mr. Majors  
U.S. Astronomer.

PLAINS

Seminole Country

35 1/2

35  
Old Camp Arbuckle

34 1/2

34





*J. B. May Jr.*  
 Apr. 14<sup>th</sup> 1883